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HISTORY AND CURRENT STATUS OF CLAIMS IN ANTARCTICA

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INTRODUCTION¹

Since the beginning of the twentieth century, questions of sovereignty over Antarctic territory have been raised at increasingly shorter intervals. New claimants, overlapping claims, fears that new claims would be raised on the basis of either former interests or new discoveries, and the lack of international rules for acquisition of uninhabitable territories, all contributed to the increasing uneasiness.

The Antarctic has experienced several periods during which it attracted much interest, separated by long intervals of almost complete neglect.

As long as it was thought that the existence of large continents in the northern hemisphere required a counterbalance in the southern hemisphere, the search for an Austral continent continued. When Captain James Cook proved on his voyage of 1772-75, that there was no extensive southern land mass north of the Antarctic Circle, interest in possible lands farther south died down.

After an interval of almost fifty years, British and American seal hunters discovered, exploited, and soon exhausted the vast wealth to be gained from seals. As they often kept their hunting grounds secret from each other, it is impossible to say how far the geographic knowledge of sealers went. It is certain, however, that their activity was concentrated to the south of the American Continent; and that one of them, the American Palmer (1819-21), sighted the Antarctic Continent. About the same time scientific interest in the Antarctic awoke and was fostered by several governments. The voyages of Bransfield and Bellingshausen began a series of government-sponsored scientific expeditions, which ended about twenty years later with the expeditions of Ross, Dumont D'Urville, and Wilkes. The result of this period was the near extinction of the seals and the knowledge of the approximate, often conjectural, outlines of the Antarctic Continent.

The second interval of inactivity was interrupted by voyages of slight consequence. Not until near the end of the century did the new interest rise to a high point. Thereafter it increased steadily, interrupted only by a short period of inactivity following World War I. During this second period, scientific

exploration and business interests went hand in hand, the latter taking the lead in time. First Norwegian, a little later British, and then whalers of other nations did much to widen our knowledge of the Antarctic, while scientific expeditions helped them by their investigation of meteorological, hydrographic, and biologic conditions. At the beginning of this period, sturdy but small sailing ships and dog sledges were the only means of transportation, as they had long been in the Arctic. The entire aspect of exploration was revolutionized by the use of the airplane, aerial photography, radio, "floating factories," and the introduction of fleets. The era of adventurous, individualistic exploration has drawn to an end; that of systematic planned investigation has just begun.

To date, the most important economic interest in the Antarctic has been the animal life of the surrounding ocean. Seals, and later whales, attracted whole fleets. In order to prevent the extermination of the whale, as happened in the case of the seal, international agreements have been signed, the last on December 2, 1946. Whaling was formerly dependent on shore bases. Through the development of floating factories the work of hydrographers, hydrobiologists, and meteorologists became of immediate, practical importance. The knowledge of living conditions, currents, etc., enabled whalers to extend their field of activity around the Antarctic Continent. Whalers gradually entered regions formerly regarded as impenetrable.

An actual recession of the edge of the ice would open new areas, first to geological investigation and possibly later to mining activities. Laurence M. Gould, geologist of the second Byrd expedition, writes that there is sufficient evidence of coal "to enable us to state rather definitely that the Antarctic has coal reserves second only to those of the United States."² Other experts have stated that mining, even below the ice sheet, may be technically feasible. From an economic point of view, the distance of coal deposits from shipping points is the greatest disadvantage.

¹ *Geographical Review*, Vol. XXI, No. 2, April 1931, p. 194.

Note: The intelligence organizations of the Departments of State, and Navy have concurred in this report; the Army and Air Force had no comment. Advance copies were furnished to the Department of State in December 1947. Comments, based on recent information, were submitted by the Department of State and have been incorporated in Appendix No. I of the report.

² The United States Board on Geographical Names recently issued a bulletin entitled "The Geographical Names of Antarctica" (Special Publication No. 86, 1947). Wherever possible the approved names have been used in this report. Where it has been necessary to use old names, the names approved by the B.G.N. have been added in brackets or explained in footnotes.

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There is less assurance that the discovered deposits of copper, magnesium, and molybdenum are worth exploiting. The presence of petroleum is indicated, but not proved. The same applies to fissionable minerals.

Many branches of science have and will profit from further polar research which, like some of those mentioned above, may ultimately lead to practical results. Glaciological studies assume new importance. Long-range weather forecasts for the entire Southern Hemisphere are impossible without a better knowledge of the mechanics of Antarctic air movements and continuous weather observations. Magnetism also is an important field of study because of its use in air and sea navigation.

On the other hand, it seems doubtful whether the Antarctic ever will play the role that the Arctic is expected to play in air navigation. The great urban centers of the Southern Hemisphere are not connected with each other by lines crossing the

Antarctic Continent. Flying conditions are unfavorable during most of the year.

Generally speaking, the strategic importance of Antarctic areas, also, may be rated low. The only exception is the northern part of Palmer Peninsula, which together with the South Shetland Islands is considered by some as a possible base for controlling Drake Strait, the broad and stormy connection between the South Atlantic and the South Pacific. Meteorological conditions, however, would make flights impossible most of the year and the provisioning of bases would be difficult.

This paper is concerned only incidentally with aspects of the Antarctic problem other than claims. As for the claims made during the period before 1933, this report has drawn heavily on a State Department study of September 21, 1933, by S. W. Boggs, entitled *The Polar Regions*. The Boggs report should be consulted for special problems not taken up in this report, and for documentation of the early explorations.

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History and Current Status of Claims in Antarctica

1. OFFICIAL GOVERNMENT CLAIMS

Several governments officially claim parts of the Antarctic region. Some of these claims have been recognized by other governments; but none has attained either general international recognition or recognition by the United States. The claims have various bases, such as discovery, exploration, exercise of actual authority and supervision, occupation, historical rights, and geographical contiguity and geological affinity. In several cases the claims extend over known as well as unexplored territories because they are delimited by degrees of longitude and latitude. The method of delimitation sometimes is referred to as the "sector principle," using an expression originally developed for the Arctic. The legal forms of such claims vary and may be parliamentary laws, letters patent, notes to foreign governments, or simply declarations before the claiming governments.

In this report claims are discussed in the chronological order in which the general public became aware of their existence. An exact chronological order cannot be used because of the peculiar character of the Argentine and Chilean claims. It would also involve taking a definite stand on the merits of the same claim, and the United States has refused to recognize the validity of any claim. A geographical arrangement would be possible but the starting point would have to be selected arbitrarily because Antarctica is roughly a circular area centering on the South Pole, and the overlapping of claims would make such an arrangement of doubtful value. The main objection, however, is that such a geographical arrangement would not permit discussion of the claims of any one country as a unit.

A. BRITISH COMMONWEALTH OF NATIONS.

Great Britain, or one of the Dominions, has laid claim to or administered three different parts of the Antarctic. The Union of South Africa has shown only academic interest. All of the Dominions in the Southern Hemisphere collaborated with Great Britain in the establishment of the "Discovery Committee" in 1923. Steps for safeguarding their common interests were discussed at the Imperial Conference of 1926, and an announcement was made that "There are certain areas in these regions [the Antarctic] to which a British title already exists by virtue of discovery."

In 1929-30, Mawson led the joint British, Australian, and New Zealand Antarctic Research Expedition (BANZARE) that took possession of

Proclamation Island off the coast of Enderby Land. At the Imperial Conference in 1937, certain agreements for cooperation also were adopted. When systematic exploration and survey were resumed during the latter part of the war, the staffs of the survey parties were recruited from the United Kingdom, Australia, New Zealand, South Africa, Newfoundland, Canada, Rhodesia, and the Falkland Islands.

During the whaling season 1946-47, three of the 15 floating factories active in the Antarctic came from the United Kingdom and one from the Union of South Africa.

1. *Falkland Islands Dependencies.*

The British claim to the Falkland Islands Dependencies is made in letters patent and is based on discoveries, formal acts of taking possession, maintenance of several settlements, and the exercise of acts of sovereignty such as granting of whaling licenses and fairly regular supervision.

British claims¹ were first made to islands and territories within a "sector" defined below in British Letters Patent, dated July 21, 1908.² By these letters patent the Governor of the Falkland Islands was also appointed Governor of South Georgia, the South Orkney Islands, the South Shetland Islands, the South Sandwich Islands, and Graham Land.³ In the preamble, these areas are indicated as lying within a single sector which is rather poorly defined, including portions of Argentina and Chile south of 50° S. latitude. The preamble and Article I read as follows:

Whereas the group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory known as Graham's Land, situated in the South Atlantic Ocean to the south of the 50th parallel of south latitude, and lying between the 20th and 80th degrees of west longitude, are part of our Dominions, and it is expedient that provision should be made for their government as Dependencies of our Colony of the Falklands:

¹ Pages 1-2 of the section on the Falkland Islands Dependencies are paraphrased from S. W. Boggs, *The Polar Regions*, U. S. Department of State, September 21, 1933 (manuscript), pp. 56-59.

² *British and Foreign State Papers*, Vol. 101, 1912, pp. 76-77.

³ Graham Land = Palmer Peninsula.

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1. Now We do hereby declare that from and after the publication of these our Letters Patent in the Government "Gazette" of our Colony of the Falkland Islands the said group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the said territory of Graham's Land shall become Dependencies of our said Colony of the Falkland Islands.

Letters Patent of March 28, 1917, provide for the further definition and the administration of the dependencies.¹ According to the new definition, southern Argentina and Chile and the Falkland Islands are eliminated from the sector, and the territorial claim is increased to include "all islands and territories whatsoever" within the sector defined in Article I. The preamble and Article I read as follows:

Whereas doubts have arisen as to the limits of the groups of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory of Graham Land otherwise known as Graham's Land; and whereas it is expedient that provision should be made for the government, not only of these islands and territory but also of certain other our [sic] islands and territories adjacent thereto as Dependencies of our Colony of the Falkland Islands:

1. Now we do hereby declare that from and after the publication of these our Letters Patent in the Government "Gazette" of our Colony of the Falkland Islands, the Dependencies of our said Colony shall be deemed to include and to have included all islands and territories whatsoever between the 20th degree of west longitude and the 50th degree of west longitude which are situated south of the 50th parallel of south latitude; and all islands and territories whatsoever between the 50th degree of west longitude and the 80th degree of west longitude which are situated south of the 58th parallel of south latitude.²

The British have not specifically claimed Weddell Sea or any portions of the South Atlantic and South Pacific Oceans that fall within the sector, with the exception of the territorial waters within three miles of the lands and territories.

The Colonial Office List, 1946, an official publication (pp. 91-92), contains the following interesting paragraphs relating to these dependencies:

There are two groups of dependencies: (i) South Georgia with South Orkney and South Sandwich, the boundaries being the 50th parallel of south latitude and the 20th and 50th meridians of west longitude; (ii) South Shetland and

Graham Land, bounded by the parallel of latitude 58° S., and the meridians of longitude 50° and 80° W.

.....
South Georgia and the South Sandwich group were discovered in 1775 by Captain James Cook, who took possession of them for Britain. South Shetland was discovered and taken possession of by Captain William Smith in 1819, and South Orkney by Captain G. Powell in 1821.

.....
The Dependencies were visited only by exploring expeditions, sealers and whalers until the rise of the modern whaling industry in those regions.

.....
The island of South Georgia is a mass of high mountains which are covered with deep snow where they are not too precipitous, while the valleys between are filled with glaciers which in many cases descend to the sea. There is a coastal fringe free from snow in summer and more or less clothed with vegetation, including tussac "grass." Land whaling stations have been established in five of the numerous bays.

The remaining Dependencies are even more inhospitable, being nearly completely covered with snow and ice and almost entirely destitute of plant life. All the Dependencies have a rigorous climate of Antarctic character.

The Dominions and Colonial Office List, 1940 (p. 304), states further that:

A Land Station is equipped at Deception Island, in the South Shetland group, and another in the South Orkneys, but neither has operated within recent years.

This British claim has been recognized by the French and Norwegian Governments, and possibly by some others. The United States Government, in this case as in all others, has declined to recognize any sovereignty rights. American explorers, notably Byrd and Ellsworth, who found new land within the British claim did, however, refrain from claiming this newly discovered territory for the United States.

The British claim is formally based on discovery. Though British expeditions — sealers and whalers who were not primarily interested in geographical exploration, as well as scientific expeditions — contributed heavily to the exploration of this area, they were by no means alone. American, Russian, French, German, Belgian, Norwegian and Swedish expeditions have contributed significantly. Though none of them seems to have claimed land for its own country, the work of such expeditions can hardly be cited in confirmation of the British claim. Some authors claim that the principal is-

¹ *Ibid.*, Vol. 111, 1921, pp. 16-17.

² *Ibid.*, Vol. 111, 1921, pp. 16-17.

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land groups in this sector were discovered first by British seamen — South Georgia and South Sandwich Islands by Captain James Cook in 1775, South Shetland Islands by William Smith in 1819, South Orkneys in 1821 by George Powell, and the Antarctic Continent by Biscoe in 1831. There is strong evidence, however, that Palmer, an American, in 1820 saw the continent first and that Biscoe did not actually land on the continent, but on the islands of the archipelago. How far the discoveries of Palmer and other Connecticut sealers went is the subject of hot academic dispute, which will probably never be definitely settled.¹

To the list of British explorers should be added Bransfield in 1820, Foster in 1828-30, and Ross in 1840 for the earlier period; and for the more recent period, the sustained work of the "Discovery Committee" of 1925-37, Cope in 1920-22, Wilkins in 1929-31, and Rymill in 1934-37. Among the earlier explorers, Smith in 1819 and Foster in 1829 made formal claims for Great Britain. There is no evidence that any of the others took such action.

Wilkins when flying over Charcot Island in 1930 initiated the practice of confirming sovereignty by dropping documents and flags, in this case British. The island had been discovered from the sea by Charcot, but apparently no claim was made on that occasion.

Though some people attach considerable importance to symbolic acts, such as the dropping of flags or documents, others question their value. Official American opinion shares the view that discovery and formal declaration of sovereignty have to be followed by actual occupation in order to be valid. This rule was established in Articles 34 and 35 of the Berlin Congo General Act of 1885.² Other governments and experts maintain that such a policy, formulated for Africa, could not be applied to uninhabitable polar regions.

A few settlements have been made within the Falkland Islands Dependencies. The earlier were shore establishments for whalers, maintained chiefly during the summer months although a few people have wintered there. The largest of these establishments is Grytviken in South Georgia. Even permanent buildings have been erected there, including a Norwegian Church. Grytviken was deserted during World War II and has not been resettled as yet. There are four more such settlements in South Georgia. In the past, the majority of the whalers were Norwegian. They submitted to British sovereignty, however, to the extent of accepting inspection, taking out licenses,

etc. The importance of these whaling shore stations has decreased since 1925, when floating factories initiated the practice of pelagic whaling. The Falkland Islands Government has maintained lights at the entrance to the harbor on Deception Island for several years during the whaling season. In the 1946-47 whaling season, only three land stations in South Georgia were used. Most of the whalers operated from floating factories.

Another group of settlements is often called "token settlements" because the purpose is not and could not be true colonization. Although they provide bases for meteorologic observations and surveying, their major purpose is to provide proof of effective occupation. Seven such settlements have been established by the British since 1943:

Port Lockroy (Palmer Archipelago)³ Base A (February 1944)

Deception Island (South Shetland Islands) Base B (February 1944)

Laurie Island, Cape Geddes (South Orkney Islands) Base C (December 1945)

Hope Bay (Louise Philippe Peninsula) Base D (February 1945)

Marguerite Bay, Nyen Fiord (main base) Base E (December 1945)

Argentine Islands (1947)

Admiralty Bay, King George Island (South Shetland Islands) (1947)

In addition, an unmanned hut was erected at Sandefjord Bay on Laurie Island in the South Orkney Islands. Even before 1943, the Falkland Islands Government exercised effective control over the area claimed, supervising the activities of whalers and, since about 1915, charging license fees. This official supervision was extended after 1925 by the work of the "Discovery Committee," which with the help of the two specially equipped ships, *Discovery II* and *William Scoresby*, cruised continuously in and beyond this area. Scientific pelagic research, especially important biological studies and whale marking, were interrupted only by the outbreak of the war. They have been resumed recently and a new ship has been built for this service. A marine biological station at Grytviken, South Georgia, was established in 1925. In 1947, the Governor of the Falkland Islands made a tour of inspection as far as Marguerite Bay. A post office and a judicial court are said to be in operation at each base.

Large areas of this claim are still completely unexplored; others, especially in the Weddell Sea, have been explored by one expedition only, for example, W. S. Bruce at Coats Land [Bruce Coast] in 1903-04, Shackleton at Caird Coast in 1914-15,

¹ For more detailed discussion of early American and British explorations see Boggs, *op. cit.*, pp. 59-60, 62-64.

² Sir Edward Hertslet, *The Map of Africa by Treaty*, London, 1908, Vol. II, pp. 484-485.

³ This station was scheduled to be moved to the Argentine Islands presumably to the old site of the British Graham Land Expedition of 1935.

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and the German Filchner at Luitpold Coast in 1911-12. Areas beyond the customary whaling grounds are not supervised regularly.

There is some uncertainty as to whether the high seas are included in the sovereignty claims. The facts that the British required licenses from whalers operating on the high seas and that a parallel is mentioned as the northern border might seem to indicate that the British claim the high seas. This, however, would be contrary to most British policy.

2. Ross Dependency.¹

The British claim to islands and territories within a sector defined below was made by an Order in Council of July 30, 1923,² from which the preamble and Article I read as follows:

WHEREAS by "The British Settlements Act, 1887," it is amongst other things, enacted that it shall be lawful for His Majesty in Council from time to time to establish all such laws and institutions and constitute such Courts and officers as may appear to His Majesty to be necessary for the peace, order and good government of His Majesty's subjects and others within any British settlement;

And whereas the coasts of the Ross Sea, with the islands and territories adjacent thereto, between the 160th degree of East Longitude and the 150th degree of West Longitude, which are situated south of the 60th degree of South Latitude are a British settlement within the meaning of the said Act;

And whereas it is expedient that provision should be made for the government thereof;

Now, therefore, His Majesty, by virtue and in exercise of the said powers of the said Act, or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:

1. From and after the publication of this Order in the "Government Gazette of the Dominion of New Zealand" that part of His Majesty's Dominions in the Antarctic Seas, which comprises all the islands and territories between the 160th degree of East Longitude and the 150th degree of West Longitude which are situated south of 60th degree of South Latitude shall be named the Ross Dependency.

The Governor-General of New Zealand was charged with the administration and supervision of the Ross Dependency. Although New Zealand did not attain full dominion status until after the issuance of the Order in Council, it is generally as-

sumed that the sovereignty over the Ross Dependency was transferred automatically to New Zealand. The wording of the Colonial Boundaries Act of 1895, however, seems to contradict such an assumption. The New Zealand Government is, therefore, expected to take action to clarify the legal position of the Ross Dependency.

The Ross Dependency may be divided into four parts: Victoria Land and coastal islands, the Ross Shelf Ice and Ross Sea, Edward VII Land and neighboring coastal areas of Marie Byrd Land, and part of the Antarctic Polar Plateau.

a. *Victoria Land and Coastal Islands.* Only British explorers have worked in this area until recently, when airplanes of the United States Naval Task Force flew over the southern part of this area.

John Balleny discovered the Balleny Islands in 1839 and landed on one of them.

Captain James Clark Ross, 1841-42, discovered and explored the great Ross Sea; discovered the high coastal mountains of the Admiralty Range; landed on January 12, 1841, in the Possession Islands, near the mainland at Cape Adare (the latter being inaccessible); and raised the British flag and took formal possession of Victoria Land for Great Britain. Far south in Ross Sea, at the edge of the shelf ice, Ross discovered the island now named for him, on which are the active twin volcanoes, Mounts Erebus and Terror. On January 27, 1841, Ross discovered and landed upon Franklin Island, where he collected rock specimens. Mountains 10,000 feet high prevented him from attaining his goal, the south magnetic pole. He discovered and named Victoria Land, and sailed close to the mountainous coast along the entire north-south length of over 600 miles.

C. E. Borchgrevink, a Norwegian sailing under the British flag, reached the mainland on the *Southern Cross* expedition of 1899-1900, and wintered at Cape Adare. His was the first expedition to winter anywhere on the Antarctic Continent.

Captain Robert F. Scott, 1901-04, on the Discovery Expedition, which was financed largely by the British Government, spent two winters on Ross Island at the southern end of the Ross Sea (connected with the mainland by shelf ice); discovered the Antarctic plateau behind the mountain range; made many sledge trips on the continent, including one westward well inland into the plateau (to 149° E.) and another toward the pole (reaching 82°17' S.); and discovered from the sea and named Edward VII Land.

Ernest H. Shackleton, in the *Nimrod*, was leader of a South Polar expedition in 1907-09. He was aided by a grant of £20,000 from the British Government and additional funds from the New

¹ Based on Boggs, *op. cit.*

² *British and Foreign State Papers*, Vol. 117, pp. 91-92.

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Zealand and Australian Governments. Shackleton wintered on Ross Island; landed his party at Cape Bernacchi on October 17, 1908; and raised the British flag and claimed Victoria Land for the British Empire. He traveled over the shelf ice and the high plateau to within 97 miles of the South Pole. Here (82°23' S. 162° E.) he raised the British flag and claimed the plateau for Great Britain on January 9, 1909.

David, Mawson, and Mackay reached the south magnetic pole January 16, 1909, raised the flag and claimed the area for Great Britain (crossing from the Ross Dependency into the "Australian Antarctic Territory").

Captain Scott, 1910-13, on the *Terra Nova* Expedition, wintered on Ross Island; followed Shackleton's route closely and reached the South Pole January 18, 1912 (about four weeks after Amundsen had arrived by a route somewhat farther east within the Ross Dependency claim). Scott and his party perished on the return journey. Two of his party wintered in 1911 at Cape Adare and discovered Oates Coast from the sea. Whaling has been carried on in this area by nationals other than the British, primarily by Norwegians.

A party from Shackleton's 1914-17 Transantarctic Expedition was landed from the *Aurora* on Ross Island and carried out depot-laying activities from there to the Beardmore Glacier. Members of this party were left stranded for 20 months when the *Aurora* was driven to the north.

b. *The Ross Shelf Ice and the Ross Sea.* Here, as in other areas claimed by the British, the shelf ice seems to be included in the sovereignty claims since in many respects it is continental in character. Ice has even been defined as a type of rock. As its outer edge has only relative stability, the question of territorial waters becomes complicated. Since no possibility of economic exploitation of the ice either by mining or by planting is conceivable, its character is unique.

c. *Edward VII Peninsula and Some Neighboring Coastal Areas of Marie Byrd Land.* This area lies within the Ross Dependency sector.

d. *Part of the Antarctic Polar Plateau.* The territories east of the routes of Scott and Shackleton as far as the western border claimed for the Ross Dependency were explored almost exclusively by the Norwegians Amundsen and Prestrud, and by American expeditions. The second Japanese expedition of Shirase also entered this area. Edward VII Peninsula was the only part of the area that was seen first by Scott from the sea. Borchgrevink in 1899 was the first to land on the eastern part of the barrier and to make a short sledge trip inland. Whereas Byrd refrained from raising any claim within the Ross Dependency claim, Amundsen, Prestrud, and Shirase claimed their discov-

eries — Framheim, parts of Edward VII Peninsula, and the Polar Plateau south of Shackleton's southernmost point — for Norway and Japan. Neither the Norwegian nor the Japanese Governments ever took up their claims, and it is understood that the Norwegian Government implicitly or explicitly has recognized the British claim, as did also the French Government. The New Zealand Government at various times has sent ships to the aid of explorers and to supervise whaling.

The semiofficial *Dominions Office and Colonial Office List, 1940* (p. 156) contains the statement:

The dependency includes Edward VII Land and a portion of South Victoria Land. There are no permanent inhabitants of the territory, but floating whaling factories have operated in the territorial waters on occasion.

This wording excludes the high seas from the claim as defined by parallels and meridians. Whether coastal and territorial waters are measured from the Great Barriers of the Ross Shelf Ice is an open question.

4. *Australian Antarctic Territory.*¹

The Australian claims to "islands and territories other than Adélie Land" within this "sector" were made by a British Order in Council, dated February 7, 1933,² which reads as follows:

WHEREAS that part of the territory in the Antarctic Seas which comprises all the islands and territories other than Adélie Land situated south of the 60th degree of South Latitude and lying between the 160th degree of East Longitude and the 45th degree of East Longitude is territory over which His Majesty has sovereign rights;

And whereas by the Commonwealth of Australia Constitution Act, it is provided that the Parliament of the Commonwealth of Australia may make laws for the government of any territory placed by the King under the authority of and accepted by the Commonwealth;

And whereas it is expedient that the said territory in the Antarctic Seas should be placed under the authority of the Commonwealth of Australia;

Now, therefore, His Majesty, by virtue and in exercise of the power in that behalf in His Majesty vested, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. That part of His Majesty's dominions in the Antarctic Seas which comprises all the islands and territories other than Adélie Land which are situated south of the 60th degree of South Latitude

¹ See Boggs, *op. cit.*, pp. 79-82.

² London Gazette, February 14, 1933.

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tude and lying between the 160th degree of East Longitude and the 45th degree of East Longitude is hereby placed under the authority of the Commonwealth of Australia.

2. This Order shall come into operation on such date, after legislation shall have been passed by the Parliament of the Commonwealth of Australia providing for the acceptance of the said territory and the government thereof, as may be fixed by Proclamation by the Governor-General of the Commonwealth of Australia.

The Australian Parliament provided for the acceptance of the territory and the Australian Government assented by the act of June 13, 1933, known as the "Australian Antarctic Territory Acceptance Act" (Act No. 8 of 1933; issued as a Proclamation of the Governor-General on August 24, 1936).

Australian claims in this area are supported chiefly by the following discoveries and exploration:

Biscoe, 1831, a whaling captain, sighted and reported the coast of Enderby Land (second time that any part of the Antarctic was seen).

Kemp, 1833, a whaling captain, reported "an appearance of land" (Kemp Coast), which was not verified until Mawson's expedition in 1930.

Balleny, 1839, reported discovery of Sabrina Land (Sabrina Coast).

Captain James Clark Ross, 1841, following Wilkes (American) and D'Urville (French) by a year, explored the seas close to the eastern portion of the coast, and reached a point farther south than the southernmost points reached by Wilkes or D'Urville.

Scott's expedition, 1911, discovered and named Oates Land [Oates Coast] from the east (seen again by Shackleton's party, 1915).

Douglas Mawson, 1911-14, on the Australasian Antarctic Expedition, made his winter headquarters at Commonwealth Bay (George V Coast), where the party landed and spent two winters on the adjacent shelf ice. Sledge journeys were made in various directions, including one 300 miles in length toward the south magnetic pole. At the farthest point of this journey, the British and Australian flags were raised. A western exploring party discovered and explored Queen Mary Coast and wintered on adjacent shelf ice.

Mawson, 1929-1930, on the BANZAR Expedition, landed on Proclamation Island, adjacent to Enderby Land, where he raised the Union Jack on January 13, 1930; and sighted from an airplane a new land to the south, which he named

Mac-Robertson Land¹ (called Lars Christensen Land by the Norwegians).

Mawson, 1930-31, reoccupied his base on Commonwealth Bay; raised the British flag again and claimed the territory between 140° E. and 160° E. for the British Empire (defined as the limits of George V Coast); discovered and named Princess Elizabeth Land;² and made a landing on Kemp Coast.

Land was sighted from the *Discovery II* in the neighborhood of Banzare Land in 1936. In the same year, the *William Scoresby* verified the location of Bowman Island. Since a landing was made at Scullin Monolith, Mac-Robertson Coast (seen by Mawson only from a distance) could be accurately surveyed.

Since there is no whaling in the territorial waters, no provisions by the Australian Government for active supervision of whaling are either known or needed. The Australian, like the other British Antarctic claims, are defined by degrees of longitude and latitude with the point of the spheric triangle at the South Pole. Three expeditions have penetrated inland, but only one the eastern border. Two led inland from Victoria Land — Scott approximately along the parallel 78° in 1903; and Davis, Mawson, and Mackay of the Shackleton Expedition toward the magnetic pole in 1909. A third expedition under Mawson approached the magnetic pole from George V Coast in 1911-14.

5. Potential Basis for Further British Claims.

There is some basis for a slight extension to the east of the British-claimed Falkland Island Dependencies. Pertinent facts are discussed on pages 15 and 18.

B. FRANCE.

1. Adélie Land.

Adélie Land,³ the part of the Antarctic between 136° and 142° of Greenwich, and certain Antarctic islands (St. Paul, Amsterdam, Kerguelen, and Crozet, all in the South Indian Ocean) are claimed by France as dependencies of Madagascar. They were placed under the administration of the Governor General of Madagascar by a decree of November 21, 1924. A decree of April 1, 1938, published in the *Journal Officiel* of April 6, 1938, ex-

¹ According to decision of the B.G.N., the western part of the coast is called Mac-Robertson Coast and the eastern part Lars Christensen Coast.

² According to decision of the B.G.N., the name Princess Elizabeth Land has been replaced by Ingrid Christensen Coast and Leopold and Astrid Coast, the names given by the Norwegians in 1933 and 1934, respectively.

³ The name Adélie Coast, as approved by the B.G.N., is limited to the coastal area actually seen by D'Urville and consequently does not include all of the area claimed by France.

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tended the original claim from a narrow quadrilateral between 66° S. and 67° S. to a "sector" comprising all land south of 60° S.

The French claim to Adélie Land is based on its discovery by D'Urville in 1840. At that time, a land was discovered which "stretched as far as the eye could see to the southeast and northwest," with a vertical cliff of ice facing seaward. Small islands were found in a bay, and members of the expedition landed on one of them, raised the French flag, and took possession of the islands and adjoining coast in the name of France.

This exploration by D'Urville overlapped that of Wilkes (American).¹ In any event, D'Urville laid claim to the area discovered, and Wilkes did not. There is no record of any subsequent visit to the area by a French vessel or expedition. Although it was explored by a sledge party of the Australasian Antarctic Expedition led by Mawson in 1911-14, the British have not laid claim to Adélie Land and exclude it, as noted above, from the Australian Antarctic claim. In 1934 the British recognized French sovereignty and in 1938 agreed on its limits.

The only act of sovereignty exercised by the French was the issuance of a decree in 1924 including Adélie Land and the islands mentioned in a National Park. The islands have been visited frequently by whalers and explorers, and the Kerguelens have several times been the site of scientific observation stations for extended periods.

2. Other French Discoveries.

French explorers have been active in Palmer Peninsula at various times, but no claims have been based on their discoveries. The pertinent facts are discussed on page 20.

C. NORWAY.

For many years during the twentieth century, Norway had larger whaling interests in Antarctic waters than any other country. This position continued essentially unchanged in the period following World War I. During the 1946-47 whaling season, seven out of 15 active floating factories in the Antarctic were Norwegian. Though whaling has become less dependent on shore stations through the use of factory ships, the industry is still interested in shore bases. Licensing of whaling ships in offshore waters is still required. Norwegian whalers have recognized British sovereignty claims in their widest extent by applying for licenses. They in turn have benefited by the British Discovery Committee's research on biological factors of Antarctic sea life.

Since 1903, Norwegian whaling firms, especially the firm Christensen of Sandefjord, have taken

part increasingly in geographical and biological exploration in these regions. They finally took the initiative by advancing claims in order to preclude any damage to and safeguard their interests in potential shore bases, territorial waters, and high seas. Lars Christensen was backed in this by the Norwegian Parliament and Government.

Concentration on fishing explains why the Norwegians are not interested in and have even relinquished some of their original claims in favor of other countries. Conversely, the Norwegian Government has tried to safeguard its own claim by obtaining mutual recognition of claims from Great Britain and France. This implied the dropping of claims raised by individuals on behalf of the Norwegian Government within the areas claimed by the British. In 1929 Norway promised Great Britain that it would not raise any claim to land within the area that had at that time been brought under the dominion of the British Empire.² The areas claimed by Norway are discussed in the following paragraphs.

1. Bouvet Island.³

Bouvet, a Frenchman, first sighted Bouvet Island in 1739; in 1822 the American, B. Morrell, is said to have landed;⁴ and in 1825 Norris, a British sealer, landed on "Liverpool Island" — almost certainly identical with Bouvet Island — and took possession of it. This landing was the basis for the British claim until it was waived in favor of Norway. As several expeditions failed to find Bouvet Island at the position given, it was regarded by many as "lost" until it was rediscovered in 1898 by the German *Valdivia* deep-sea expedition.⁵ In 1926, it was seen from the German deep-sea exploration vessel *Meteor*, which was unable to land.

On December 1, 1926, Captain Hornvoldt of the *Norvegia*, landed, remained on the island four weeks for scientific exploration, and erected a hut as a depot. When he first landed, he claimed the island "under instructions from the Norwegian Government for Norway." An Order in Council of January 23, 1928, formalized this proclamation. Subsequent negotiations led to a British declaration in the House of Commons on November 19, 1928, that Great Britain had decided to waive its claim to Bouvet Island in favor of Norway.

On their first landing, the Norwegians erected a hut as shelter for sailors in distress, and on a later landing rebuilt it, since the first shelter

¹ *American Journal of International Law*, Vol. 34, 1940, p. 84.

² See Boggs, *op. cit.*, pp. 97-98.

³ Other alleged discoveries by Morrell have since been disproved.

⁴ Three alleged sightings by American skippers — Williams in 1878, Church in 1882, and Fuller in 1893 — are questioned.

⁵ For discussion of priority, see *Basis for Possible U.S. Claims in Antarctica*, OIR 4436, 1947.

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had been destroyed by storms. Attempts to find a suitable place for a permanent meteorological station failed and Bouvet Island has remained unoccupied despite several subsequent landings. The only active exercise of Norwegian sovereignty is the issue of a Royal Decree, confirmed by the Norwegian Parliament, for protection of fur seals, which have been exterminated in all other parts of the Antarctic where they had previously been found.

2. *Peter I Island.*

The first land sighted within the Antarctic Circle was Peter I Island, first seen by a Russian expedition of January 10-22, 1821, led by von Belingshausen. It was next seen by the French explorer Charcot on January 12, 1910, at a distance of only two or three miles. Neither of them seems to have made any claim for his country.

On February 2, 1929, a landing was made by Captain Nils Larsen of the *Norvegia*, after an attempt on *Odd I* had failed the year before. Since then Peter I Island has been seen by several ships, but no further landings are known. Larsen on landing had taken possession on behalf of Norway and on May 1, 1931, "an official proclamation was issued of the incorporation of this island in the Norwegian State. At the same time, the Department of Justice and Police was authorized to prescribe regulations relative to the exercise of police authority on the Island."¹

3. *The Antarctic Mainland.*

The coast of the Antarctic Continent between 82°30' E. and 16°30' W. has been explored chiefly by Norwegian whaling ships and expeditions connected with whaling. Consul Lars Christensen sent a series of expeditions between 1926 and 1937 and took part in four of them. His most successful leaders were Captain Nils Larsen, Captain Hjalmar Riiser-Larsen, Major Gunnar Isachsen, Commander Lützow-Holm, and Captain Klarius Mikkelsen. Some of the ships employed, such as the *Norvegia* and the *J. H. Bull*, were equipped for research. Among the other whaling vessels² that have contributed considerably are the *Thorshavn*, *Solglint*, *Odd I*, *Ole Wegger*, *Sevilla*, *Firern*, *Thorshammer*, *Hilda Knudsen*, *Torlyn*, *Bouvet II*, and *Bouvet III*. Thus the concerted effort of many ships, some equipped with airplanes, succeeded in ascertaining the outlines of a vast area that had previously been practically unknown.

The only lands previously known in the eastern part of the area were Cape Anne in Enderby

Land seen by Biscoe from the sea in 1831, and the reported "appearance of land" in what is now called Kemp Coast seen by Kemp in 1833. In this eastern area of Norwegian activity, the discoveries of the BANZAR Expeditions of 1929-30 and 1930-31 and of the *William Scoresby* of the Discovery Committee of 1936 overlapped those of the Norwegians. They also corrected the positions of the coast lines, which had been dimly seen from afar by earlier explorers and discoverers. On the coast of Enderby Land, Captain Riiser-Larsen made his first landing, raised the Norwegian flag, and took possession of the area for Norway.

When the eastern part of these coasts, the area between the 82°30' E. and 45° E., was included in the Australian Antarctic Territory, some Norwegians regretted it but no official protest was made. Late in 1938, when it became known that a well-equipped German expedition was being sent into the area (which until then had been visited exclusively by the Norwegians) and when it was publicly announced that the Germans aimed at procuring a base there, the Norwegian Government took an official action. On January 14, 1939, an Order in Council proclaimed:

That part of the mainland coast in the Antarctic extending from the limits of the Falkland Islands Dependencies in the west (the boundary of Coats Land) to the limits of Australian Antarctic Dependency in the east (45° E. Longitude) with the land lying within their coast and the adjoining sea shall be brought under Norwegian sovereignty.³

The Norwegian claim was formally accepted by the British Government on September 1, 1939. It is not quite clear, however, whether the claim extends to 20° W., the official eastern boundary of the Falkland Islands Dependencies, or only to 17° W., excluding the whole of Coats Land [Bruce Coast]. The latter interpretation was given by the American Minister in Oslo in 1939 on the basis of Norwegian comments.⁴ A note in the *Geographical Journal*, however, suggests that the British Government subsequently agreed to 20°.⁵

Another consideration is the indefinite extension of the coast of the Norwegian Antarctic territory toward the interior, but it seems clear that the Norwegian claim does not include the unknown territory behind the explored coast and, therefore, is not comparable to the British or French claims.

The only landing on this coast so far was made by Riiser-Larsen in 1929, but Norwegian flags have been dropped from airplanes. About 125 miles of coast line, approximately 35° E. and 40° E.,

¹ Despatch No. 84, Oslo, May 7, 1931.

² All of these ships were catchers, with the exception of the *Solglint*, which was a factory ship, and the *Thorshavn*, a motor tanker.

³ The American Journal of International Law, Vol. 34, 1940, p. 83.

⁴ Despatch No. 360, Oslo, January 17, 1939.

⁵ Geographical Journal, Vol. 94, Nov. 1939, p. 432.

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and the immediate hinterland were mapped from the air by Vigo Wideröe. It has been said that most of the coast will remain inaccessible to ships, since the inland ice cap slopes gently into the sea, concealing the actual coast line from view at most places, and as it breaks up leaves precipitous ice cliffs. On the other hand, a gradual recession of the polar ice cap seems to be in progress, and it has been said that, due to the existence of high mountains in the hinterland, the replacement of the broken off shelf ice could take place only very slowly if at all. It does not seem impossible, therefore, that the coast may become accessible at some places in the near future and even remain so.

Norwegian whalers in pursuit of whales have followed the ice as far south as possible as it retreats during Antarctic summer. Due to the inaccessibility of the coast, it seems improbable that they can frequent the territorial waters regularly, if territorial waters are defined as extending from the actual coast line. If measured from the changing ice front, the territorial water rights may become important. The problem is particularly complicated in this area, as it is reportedly impossible at times to distinguish land from floating ice, shelf ice, and sea ice formed in the shelter of the coast.

4. Other Norwegian Discoveries.

Other Norwegian discoveries, which may or may not serve as a basis of claims, are discussed on pages 15 and 19 below.

D. ARGENTINA.

The Argentine claim in the Antarctic comprises a sector between 25° W. and 68°34' (or 74°) W. and is bordered in the north by the 60° parallel. The Argentine claim is based on the geological and geographical continuation of the Andes through the island chains into the Antarctic, on territorial proximity, and (in addition the Argentine claim is based) on the fact that Argentina has maintained a meteorological station on Laurie Island in the South Orkneys since 1904 and installed a lighthouse at Dallmann Bay on Lambda Island, Palmer Peninsula, in 1942. The lighthouse has been in uninterrupted service. The meteorological station was originally installed by the *Scotia* expedition under W. S. Bruce and given by him in agreement with the British Government to the Argentine Government. The meteorologist of the Bruce party, R. S. Mossman, continued his work first at the station itself and later as chief of the meteorological service of the Argentine Government. Most of the meteorologists during the first few years after 1904 were Scandinavians, but of recent years few other than Argentines have served on Laurie Island.

To emphasize its claim, the Argentine Government maintains that it is the only nation that has occupied uninterruptedly any point in the Antarctic

for more than a few years. The Argentines also point out as further proofs of their actual exercise of authority in the waters around Palmer Peninsula that relief expeditions were sent to the rescue of Nordenskjöld in 1903 (though it turned out to be unnecessary) and to Charcot in 1905. In 1943 the naval vessel *Primer de Mayo* visited points in the Antarctic as far south as Marguerite Bay. A similar expedition on a somewhat larger scale was undertaken in the summer 1946-47.

Argentina maintains that the decree by which the *Scotia's* observatory on Laurie Island was taken over was the "first official document issued by any country establishing its sovereignty over lands of the American Antarctic."¹ If this claim is accepted, the British Falkland Islands Dependencies decrees issued in 1908 and 1917 would be invalidated, at least as far as they refer to Laurie Island, by the uninterrupted occupation of this observatory by Argentines. The British contend that this occupation was not an act of taking possession. It is, therefore, interesting to quote the Argentine decree of January 2, 1904.

In view of the note from the chief of the meteorological office and the other antecedents and documents relative to the establishment of new meteorological and magnetic stations in the seas south of the Republic, and considering the great scientific and practical conveniences of extending the operations of New Year's Island to said region, the President of the Argentine Republic decrees: (1) The Chief of the Argentine Meteorological Office is authorized to accept the installations offered by Mr. William S. Bruce in the South Orkney Islands, and to establish there a new meteorological and magnetic observatory; (2) the personnel will be composed of employees whom the Minister of Agriculture will designate and those who may be provided by the Ministry of Marine.

This document does not seem to contain any claim to sovereignty. Other pertinent acts, however, are referred to by Argentina. One of the members of the meteorological station was designated postmaster, and the Argentine flag was raised over the observatory. Granted the pertinence of these acts, it remains hard to see how this document and supporting evidence can be construed a claim to territory outside Laurie Island, thus preceding the British letters patent quoted above.

The problem is further complicated by the fact that Argentina never recognized British sovereignty over the Falkland Islands (Islas Malvinas). Dependencies of the Falkland Islands are, therefore, a

¹ Despatch No. 2607, Buenos Aires, June 26, 1941. Speech of José Manuel Moneta, in Bahía Blanca in the presence of many dignitaries as quoted in *La Prensa* (Buenos Aires), May 31, 1941.

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contradiction according to the Argentine viewpoints. As Argentina bases its claim in part on the geological and geographical continuation of the Andes via the submarine ridges to the Falkland Islands, the South Sandwich Islands, South Georgia, the South Orkney Islands, the South Shetland Islands, and Palmer Peninsula, any break in this chain would weaken the Argentine basis for the claim. The dispute between Great Britain and Argentina over the Falkland Islands, lying outside the Antarctic, is not within the scope of this report.

Though the Argentine Government undoubtedly regarded the Republic as entitled to a share in the Antarctic before that date, only vague indications and unofficial utterances seem to have been made before 1943. Argentina, in a note to the Chilean Government of November 13, 1940, expressly stated that though Argentine rights were a fact, and that "with the aggregate of antecedents supporting its claims, the Argentine Government could doubtless have adopted a similar attitude [of proclaiming] . . . unilateral claims." On February 20, 1943, in a note to the British Government, the Argentine claim was defined as lying between longitudes 25° W. and 68°34' W. It was after 1943 that Argentina tried to prove that its claims antedated others. Argentineans state that, in Article 3 of the Treaty with Chile of July 23, 1884, the claim was formulated and recognized by Chile. Article 3 of this treaty reads:

In Tierra del Fuego a line will be drawn which, starting at the point called Cabo del Espiritu Santo in latitude 52°40' will continue to the south coinciding with longitude 68°34' West of Greenwich as far as Beagle Channel. Tierra del Fuego, thus divided, will be Chilean to the west and Argentine to the east. Concerning the islands: those belonging to Argentina will be Isla de los Estados [Staten Island], the smaller islands in its immediate vicinity, and other islands that may be in the Atlantic east of Tierra del Fuego and the east coasts of Patagonia; those belonging to Chile will be the islands to the south of Beagle Channel as far [east] as Cape Horn and those that may lie to the west of Tierra del Fuego.¹

¹ Unofficial translation of the following Spanish text: "En la Tierra del Fuego se trazará una línea, que partiendo del punto denominado Cabo del Espiritu Santo en la latitud 52°40', se prolongará hacia el Sud, coincidiendo con el meridiano occidental de Greenwich, 68°34', hasta tocar en el Canal de Beagle, La Tierra del Fuego, dividida de esta manera, será chilena en la parte occidental y argentina en la parte oriental. En cuanto a las islas: pertenecerán a la Republica Argentina la Isla de los Estados, los islotes próximamente inmediatos a éste y las demás islas que haya sobre el Atlántico, al oriente de la Tierra del Fuego y costas orientales de la Patagonia y, pertenecerán a Chile, todas las islas del Sud del Canal de Beagle hasta el Cabo de Hornos y las que haya al occidente de la Tierra del Fuego."

It may also be mentioned that the Chilean Foreign Minister on one occasion² took pains to explain that the silence of this treaty regarding boundaries between Chile and Argentina in the Antarctic should not be construed as a tacit dropping of Chilean claims to territory in the Antarctic.

The Chilean proposals of 1906 and of 1907 "to divide between these two countries the American Antarctic islands and continent"³ were rejected by Argentina. An Argentine counterproposal for a common defense against British claims (the original Falkland Islands Dependencies Order of 1908) has been construed⁴ as referring to the Antarctic, but obviously refers only to the inclusion of southern Patagonia within the British boundaries.

Apparently, the Argentine Republic did maintain certain activity in the northernmost part of Antarctica, but raised claims to sovereignty only after the British claim had been asserted. The original protests of the Argentine Republic seem to refer only to the long standing dispute over Falkland Islands themselves and to Patagonia. A statement made in 1922 by the Director of International Boundaries in the Ministry of Foreign Relations and Worship, Ingeniero D. Zacarias Sanches states only that "the Argentine Government is gradually acquiring rights of possession over those regions by repeated voyages and acts of jurisdiction exercised in those regions."⁵ The document denies further the validity of any claim of other American republics and of Great Britain, and states that "the circumstance should not be passed over lightly that the English Government regards itself as having legitimate jurisdiction over these lands and seas, by imposing fees on the fishing vessels. . . ."⁶

A National Antarctic Commission was created by Presidential Decree of May 29, 1940. Until 1941 no known negotiations definitely show that the Argentine Government regarded parts of Antarctica as under its sovereignty. At that time the Chilean Government supported the claim, but no agreement was reached. New diplomatic negoti-

² Speech before the Chilean Senate, January 21, 1947.

³ " . . . dividir entre ambos países las islas y continentes antárticos americanos." Quoted from Juan Carlos Rodríguez *La Republica Argentina y las adquisiciones territoriales en el Continente Antártico*.

⁴ *Ibid.*, p. 17. " . . . convenia que Chile supiera que Inglaterra reclamaba todas estas tierras y que tendríamos que defendernos unidos".

⁵ *Ibid.*, p. 16. "El gobierno argentino va adquiriendo paulatinamente derechos de posesion sobre muchas tierras con repetidas viajes y actos de jurisdicción ejercitados en aquellas regiones".

⁶ *Ibid.*, p. 16. " . . . que inglés se considera con derecho a la jurisdicción de esas tierras y aguas, imponiendo tasas a los buques pesqueros . . ."

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ations are planned for 1947. An Argentine expedition also sailed for the Antarctic in January 1947 and three Chilean officers were invited to participate. A similar invitation extended by the Chilean Government to Argentina for participation of three Argentine officers in the Chilean expedition of 1947 was accepted. Three Chilean naval officers had also participated in the voyage of the *Primero de Mayo* in 1943. The expedition of 1947, consisting of four ships, planned to visit South Georgia and to reinstate the lighthouse on Lambda Island in the Melchior Archipelago. A meteorological station was established in the same vicinity and it is reported that some aerial surveying was done from this base.

The Argentine Government originally chose the meridian 68°34' W. of Greenwich as the western boundary of its Antarctic claim, probably because it is a continuation of the meridian dividing Tierra del Fuego between Argentina and Chile. This meridian, however, does not serve as the international boundary all the way to the southern limits of South America, and many islands south of the Beagle Channel and east of this line are undisputedly Chilean. A decree of 1946,¹ which prohibits publication of maps that do not show the Argentine Antarctic, gives 74° W. of Greenwich as the western boundary of the Argentine Antarctic claim, apparently because the Argentine territory on the South American Continent extends almost as far west as this meridian. The fact that the southernmost part of Chile lies much farther to the east is ignored.

E. CHILE.

Unlike Argentina, Chile advanced claims to a sector of the Antarctic early in the nineteenth century and maintained them consistently. Chilean activity in this region, even in comparison with Argentina, has remained negligible. The short-lived activities of Chilean whalers licensed by the Chilean authorities are regarded as an act of sovereignty by Chile; however, the legal inferences of an act like licensing ships of its own nationality are doubtful as far as territorial claims are concerned.

Chile maintains the official position that its sector of the Antarctic should extend from 53° W. to 90° W. of Greenwich. Although it was necessary to fix boundaries by decree, this in no way implied that the decree created a new legal situation since a Chilean sector had already been created. The decree, according to the Chileans, merely implemented the situation emerging from the "race to the South Pole" and drew the attention of other nations to the "uncontested" existence of a Chilean sector.

¹ Decree No. 9844, Article 7, September 2, 1946.

The State Department translation of the pertinent part of Decree No. 1747 of November 6, 1940, which accompanied the note of November 12, 1940, from the Chilean Ambassador in Washington, reads:

... whereas the special commission appointed by Decree 1541 of this Ministry, of September 7, 1931, has established the limits of Chilean Antarctic territory in conformity with the data furnished by the geographic, historical, juridical and diplomatic antecedents collated, which have been accumulated up to this date,

I DECREE

The Chilean Antarctic or Chilean Antarctic Territory is composed of all the lands, islands, islets, reefs, pack ice [glaciales] and others known and to be known, and the respective territorial sea, existing within the boundary of the segment constituted by the meridians of 53 degrees longitude west of Greenwich and 90 degrees longitude west of Greenwich.

Let this be noted, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

[signed]

Pedro Aguirre Cerda and Marcial Mora.

The Chilean confidence, that its sovereignty established centuries ago is uncontested and only recognition by neighboring countries of the exact location of boundaries is now needed, is reflected in the repeated attempts by Chile to open negotiations on the subject with Argentina. (See above.) The two meridians 53° W. and 90° W. may be regarded, therefore, as merely tentative limits. Why 90° W. was chosen is not clear. Although it lies far west of the coast of Chile, its continuation northwards would not include Easter Island, which recently was confirmed as a part of the homeland rather than as outlying possession.² A possible explanation may be that Chile did not want to claim Peter I Island in return for the recognition of its claim by Norway. The 50° line includes all of Palmer Peninsula and its coastal islands, but excludes other sub-Antarctic groups.

Chile bases its claim on writs and orders of the Crown of Castille, dating as far back as the sixteenth century. Their reasoning runs as follows:³

From 1555 the Chilean territory from Peru to the Antarctic Pole maintained its geographic continuity (sic) and all the Governors of the Kingdom . . . exercised uninterrupted jurisdiction

² Airgram, No. 144, American Embassy, Santiago, April 2, 1947.

³ Speech of Minister of Foreign Affairs Juliet before the Chilean Senate on January 21, 1947. Despatch No. 14,923, Santiago, February 12, 1947.

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over all this territory. The various royal orders of appointment prove this beyond a doubt.

This state of affairs was not affected by the discovery of Drake Sea . . . because, not having present-day geographic knowledge, the Royal Writs simply spoke of the lands situated on the other side of the Straits, and the fact that these lands might be separated by some strait or sea passage, such as Drake Sea, is of no importance.

The Chileans also quote a letter of Bernardo O'Higgins, Father of the Nation, to Captain Coghland of the British Royal Navy of August 20, 1831. Though this letter certainly shows that O'Higgins regarded the South Shetland Islands as part of Chile and as "the key to the Atlantic south of 30° latitude to the Antarctic Pole," it can hardly be regarded an official assertion of claim since O'Higgins was in exile and not President of Chile when he wrote the letter. The repeated attempts since 1906 to secure boundary agreements with the Argentine Republic express the official attitude of the Chilean Government. The theoretical willingness of both countries to negotiate a boundary agreement constitutes mutual recognition of claims of the other country to some territory in the Antarctic, even though their views on its extent are widely divergent. This policy was advanced a step recently, when President Gonzalez of Chile, accompanied by his Foreign Minister, visited Buenos Aires. A joint declaration was signed on July 12, 1947, which reads in parts:

The Ministers for Foreign Affairs of the Argentine Republic and Chile having met in Buenos Aires and being animated by the purpose of carrying out a friendly policy with the object of determining the frontier of both countries in the Antarctic region,

Have agreed to declare — convinced as they are of the sovereign rights of the Argentine Republic and of Chile in the South American Antarctic—that they advocate the realization of a harmonious plan of action on the part of both Governments with a view to attaining greater scientific knowledge of the Antarctic region by means of explorations and technical studies; they likewise consider it advisable to join efforts with regard to the utilization of the natural wealth of that region, and they are desirous of concluding as early as possible an Argentine-Chilean treaty for the demarcation of boundaries in the South American Antarctic.

In witness whereof they sign the present declaration in duplicate, in the city of Buenos Aires, on the twelfth day of the month of July one thousand nine hundred and forty-seven.¹

At the time of the issue of the decree of 1940, Chile notified all American and interested non-American countries and, consequently, can refer

¹ Despatch No. 2793, Buenos Aires, July 15, 1947.

to the recognition of its claims by a long list of countries. Only Great Britain, the United States, and Japan refused recognition. Great Britain may have refused recognition only for the part included in the Falkland Islands Dependencies, which in itself is an important area. Chile maintains that Finn Ronne requested the authorization of the Chilean Government for installing himself, and that this act constitutes American recognition of the Chilean claim.²

Chile, like other countries, tried to bolster its claim by reference to unchallenged acts of authority exercised in the Antarctic. The Chilean Foreign Minister mentions several fisheries concessions between 1902 and 1914, activity of whalers, and help extended to the Shackleton expedition of 1916-17. A closer investigation shows that, with one exception, the fisheries concessions referred to the Diego Ramirez and the San Ildefonso Islands, both close to Tierra del Fuego and north of the Antarctic Circle. As for sending help to Shackleton in 1916, countries like Uruguay did the same without drawing political conclusions therefrom. This year (1947) a Chilean expedition, the first on record, sailed for Palmer Peninsula. The establishment of a permanent meteorological station and various scientific research projects are planned. A previous expedition that had been planned for 1906 was canceled apparently because the earthquake of that year brought unprecedented catastrophe to Chile. In order to bolster the Chilean claim, the 1947 expedition erected a hut for a meteorological station on Greenwich Island in the South Shetland Islands, ceremoniously raised the Chilean flag, renamed the bay Sovereignty (Soberania) Bay, and also renamed other places — for example, the tip of Palmer Peninsula became Peninsula O'Higgins, and Clarence Island became Isola Shackleton. Six men were left at the meteorological station on Greenwich Island, and one at another unidentified station in the South Shetland Islands.

The second basis for the Chilean claim rests on geographic proximity and geological affinity. It is difficult to understand how the latter factor could constitute the basis for sovereignty claim. Moreover, the existence of a submarine ridge connecting Tierra del Fuego directly with Palmer Peninsula is in doubt. Most geologists assume that the connection is made by the proven submarine ridge whose above-water summits emerge in the Falkland Islands, the South Sandwich Islands, South Georgia, and the South Orkney Islands, to none of which Chile has asserted claim.

In this case, the Argentine claim is more in accord with geologic structure, but the reasoning from geologic fact to political consequence is questionable.

² Despatch No. 15,327, Santiago, May 26, 1947.

II. CLAIMS BY INDIVIDUALS FOR THEIR COUNTRIES, NOT TAKEN UP BY GOVERNMENTS

While none of the claims discussed in the first chapter are recognized internationally as valid and none at all are recognized by the United States, they are regarded by the claimants as fixed in public law not only by their own acts but also as a result of recognition by at least one other interested power.

It is possible that an unbiased international court might find that some of the unofficial claims have firmer foundations than some of the official claims. The unofficial claims are based on discovery and exploration, accompanied by some symbolic act of taking possession. It is, however, no sign of disapproval if the home government does not take up such a claim immediately and explicitly. Conversely, the mere act of raising a flag (without accompanying declaration) does not in itself constitute a claim. Many expeditions have raised their flags in territory that they readily conceded was under the sovereignty of another country.

On August 5, 1941, a representative of the British Embassy called at the Department of State and said that:

the Embassy had received instructions from London to express the hope that the raising of the United States flag by members of the United States Antarctic Service of East Base, Neny Island, Marguerite Bay . . . had no political significance . . . The Embassy was instructed to make no representation in the matter beyond placing the foregoing on record in the State Department.

Recently this matter was discussed publicly because Finn Ronne's expedition raised the American flag over the reoccupied base on Stonington Island in Marguerite Bay on March 13, 1947. The commander of the nearby British Neny Fiord base, Major K. S. Pierce-Butler, suggested in a letter the next day:

I assume that the United States Government has made no claim to this territory and that the flying of this flag is merely an indication of the presence of a United States Expedition.

If that is so, I have no objection to the raise. If, however, this flag is intended to represent a territorial claim, I am bound to protest on behalf of His Majesty's Government, as this violates British Sovereignty. . . .

In his reply, Commander Ronne made no mention of any American sovereignty claim but said somewhat evasively:

The Ronne Antarctic Research Expedition is now reoccupying the base built by the United States Government on the United States Antarctic Service Expedition 1939-41. The flagpole was built by this expedition as part of the U. S. Government's camp.

As an American expedition reoccupying this base on Stonington Island, we have reflowed the American flag on the American-built flagpole at the American camp.

Orally Ronne reiterated to Major Pierce-Butler that "as I understand it, the United States Government does not recognize any other Government's claim to territory in the Antarctic, nor do we make any claims."

A. CLAIMS BY INDIVIDUALS FOR THE UNITED STATES.

1. *Marie Byrd Land.*

This name was given by Admiral Byrd to all the country he discovered between 150° W and 120° W longitude.¹ He has made no claim to Edward VII Peninsula or other parts of the coastal strip east of the Ross Sea and Ross Shelf Ice, located west of 150°, although their separation from the hinterland creates an artificial boundary. By this restriction Admiral Byrd personally recognized the validity of the Ross Dependency claim of New Zealand. Therefore, Little America does not lie within the Byrd claim. This area was the headquarters for four successive American expeditions—two private expeditions led by Byrd, the United States Antarctic Service Expedition, and the United States Naval Developments Expeditions. They first established the existence of land and explored some of its marginal parts in 1929-30. Explorations were much extended by the expedition of 1933-35, by the United States Antarctic Service Expedition (also inaccurately referred to as 3d Byrd Expedition) of 1939-41, and by the United States Naval Antarctic Developments Project (commonly, but inaccurately, referred to as the 4th Byrd Expedition) of 1946-47. The results of this last expedition are known only in outline, but apparently most of the area was photographed from the air. All of these expeditions employed sledges, motor vehicles, and airplanes; and mapped parts of the area from both the ground and the air. Least successful

¹ A decision of the B.G.N. has extended the name to include areas east of 120° W. This paper has to retain the original usage in conformity with the claim based on it.

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were the attempts to establish the outline of the coast from ships, due to the apparently continuous blockade of heavy pack ice. On at least one occasion on November 12, 1940, L. Berlin placed a brass cap containing a document asserting the claim of the United States to Antarctic territory on the slope of Mt. Grace McKinley, 210 miles east of Little America. Apparently, several more symbolic claims of this type were made.

Only Americans have been active in this sector. Lincoln Ellsworth, on his trans-Antarctic flight in 1935, is the only person not associated with Byrd who has crossed Marie Byrd Land.

Admiral Byrd has stated that he does not favor the division of the Antarctic Continent among different sovereignties, but rather collaboration by interested nations, with strong representation from the smaller countries of the Southern Hemisphere. He strongly opposes international administration by the United Nations.¹ Even before returning from his first Antarctic expedition, undenied newspaper reports attributed to him a statement,² made at Dunedin, New Zealand, that all of his discoveries were for the benefit of the world and that he would not claim them for the United States.

Very recently he was quoted to have said at a conference in the Navy Department³ that the United States "has not claimed anything in the South Polar region" and that he has not recommended any claim to the State Department. Speaking for himself, he expressed doubt that there would be a formal claim by the United States.

Admiral Byrd was joined by several other members of the United States Naval Expedition in expressing hope that research in the South Polar region would be carried on in the future as an international cooperative effort. To this Byrd added:

Science knows no boundaries and I think nations should join scientific developments primarily in establishing weather stations. I discussed this unofficially in New Zealand with Prime Minister Fraser and he expressed his interest in this.

2. James W. Ellsworth Land.⁴

Lincoln Ellsworth started on November 23, 1935, from Dundee Island near the northeastern tip of Palmer Peninsula for his trans-Antarctic flight.

¹ *New York Times*, April 17, 1947.

² Memorandum of the Department of State Conference of March 15, 1930 (for Departmental use only).

³ *Department of State Wireless Bulletin*, No. 91, April 17, 1947.

⁴ By decision of the B.G.N., the name Ellsworth Highland has been extended on the northeast as far as the base of Palmer Peninsula but has been restricted to the relatively narrow belt flown over by Ellsworth. The original name, James W. Ellsworth Land, has been used in this report since it includes all of the territory claimed by Ellsworth.

The route led in almost straight line to a point 15 miles from Little America, which point was reached on December 5. En route, three landings in James W. Ellsworth Land were made — November 23-24, November 24-27, and November 27-December 4. The landings on the hitherto unknown high plateau were made at 79°12' S and 104°10' W (6,400 feet), at 79°30' S and 107°55' W (6,400 feet), and at 79°58' S and 114°15' W (6,300 feet). On the first landing the flag of the United States was raised reportedly in accordance with permission obtained from the Department of State, and the area between 80° W and 120° W longitude was claimed for the United States.⁵

Ellsworth's claim is in the form of a spheric triangle, with the coast of the Antarctic Continent as its northern boundary. This coast was completely unknown in 1935. Since then the United States Antarctic Expedition and the work of the Naval Task Force have partially filled in the outline.

It may be noted that Ellsworth refrained from claiming any territory within the British Falkland Islands Dependencies though parts of this territory were seen by him for the first time. Nor did he think it necessary to claim that part of Marie Byrd Land that was seen by him for the first time.

3. American Highland.

On January 12, 1939, Lincoln Ellsworth flew south from the edge of the ice shelf at 68°30' S along the meridian of 79° E to latitude 72° S. After flying 60 miles south of the coast, he claimed for the United States the land 150 miles to both sides of his route and the same distance ahead of the southernmost point of his flight. A document enclosed in a brass cylinder and dropped on this southernmost point read:

TO WHOM IT MAY CONCERN

Having flown on a direct course from latitude 68.30 south longitude 79 east to latitude 72' south longitude 79 east I drop this record together with the flag of the United States of America and claim for my country, so far as this act allows, the area south of latitude 70 and to a distance of 150 miles east and 150 miles west of my flight and to a distance of 150 miles south of latitude 72 longitude 79 east of which I claim to have explored.

[signed] Lincoln Ellsworth

This claim of Ellsworth differs in several notable features from his former claim. Ellsworth did not land, but saw the area only from the air.

⁵ *Geographical Review*, Vol. XXVI, No. 2, 1936, p. 331. In Ellsworth's report to the Department of State of April 17, 1939, there is no mention of previous permission given by the Department of State.

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He did not even photograph the area, because of the featureless character of the high plateau. He did not make a claim delimited by meridians of longitude. Although he raised no objection to the Australian claim to the coastal area, he ignored the Australian claim to unseen territory. "So as to cause no conflict between previous and my own claims," Ellsworth said, "I deliberately waited until I had flown 60 miles inland from the coast on my flight of January 12 before asserting any claim to terrain for the United States."¹ Sir Hubert Wilkins, who accompanied Ellsworth on this expedition, raised the Australian flag at two points where he landed, apparently with the approval of Ellsworth.

This attitude of Ellsworth's, though at variance with his former sector claim in James W. Ellsworth Land, is quite understandable. Had he accepted the principle of delimitation by meridians, he could not have claimed any territory south of the coast claimed by Australia. On the other hand, as he did not land on this flight, he accepted the opinion that everything that was within eye's view could be claimed. Accordingly, Australia's claim would be as broad a coastal strip as Mawson could possibly have seen. Whatever the merits of such reasoning are, it is likely that Ellsworth was prompted to his attitude by other motives, which will be discussed more fully in Chapter III, B.

4. Areas on the Ice Cap.

During the United States Naval Expedition, numerous proclamations were dropped from airplanes by individual members of the Task Force. The claims were made by individuals as American citizens, not by the Task Force itself. The text for these claims is quoted on page 25.

Such documents were dropped not only in Marie Byrd Land, but also in the hinterland of the Australian claim, behind the coast claimed by Norway, and on the plateau behind the South Victoria Land coastal mountains.

Although no public announcement has been made as yet, newspapers have learned of these actions.² Their background will be discussed in Chapter III, A.

B. CLAIMS BY INDIVIDUALS FOR NORWAY.

These claims in general have only slight interest since, with one small exception, all are located within the British claim. In 1939 the Norwegian Government, in return for recognition of its other claims, promised not to "raise any claim in respect to land within the region which had then been

brought under the dominion of the British Empire."³ It is, therefore, sufficient to enumerate these abandoned Norwegian claims and to note the one exception.

1. Amundsen landed in 1911 along the Bay of Whales, established a base at "Framheim," and reached the Pole on December 14, 1911. He raised the Norwegian flag on the sledge as soon as he reached the southernmost point attained by Shackleton at 88°23' S. He claimed the plateau around the Pole for Norway, calling it King Haakon VII Plateau. Before the Norwegian Government abandoned its potential claim in favor of Great Britain, it had regarded not only the area immediately around the Pole as an area of possible Norwegian claims, but had also stated that the claims included "the territories on both sides of Captain Amundsen's route to the South Pole south of Edward VII's Land and including i.a. Queen Maud's Range."⁴ It is of theoretical interest only that this claim would include parts of the Ross Shelf Ice.

Not abandoned but also never officially claimed are those sectors of King Haakon VII Plateau not included in the British "sectors." They overlap Marie Byrd Land and James W. Ellsworth Land, and though not contiguous with the hinterland of the Norwegian Antarctic coast, are apparently uncontested.

2. Lieutenant Prestrud of Amundsen's expedition, sledged from Framheim northeast and was first to enter Edward VII Land, which was seen from the sea by Scott in 1901 and later thoroughly explored by several United States expeditions. Prestrud raised the Norwegian flag and claimed the area for Norway. This area is included within the claim Norway has promised to abandon.

3. Captain Riiser-Larsen landed from an airplane on Enderby Land near Cape Anne on December 22, 1929, raised the Norwegian flag, and claimed the area for Norway. Though the Norwegian promise referred only to the British claims of that time, Norway has abandoned this claim, also.⁵

C. GERMAN CLAIMS.

A fat shortage in Germany led to the organization of a German whaling fleet under the Nazi regime. In order to carry out scientific research, especially on biological conditions, and to create a possible land base for Antarctic whaling, a German expedition was sent south under Captain Ritscher. From the launching platform on board the

¹ *Norway: Norwegian Trade Review*, Vol. 10, No. 2, February 1939.

² Note from the Norwegian Minister in Washington, April 15, 1929.

³ Lars Christensen, *Such is the Antarctic*, London, 1935.

¹ Letter from Lincoln Ellsworth to the Secretary of State, April 17, 1939.

² *Washington Post*, April 26, 1947.

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ship *Schwabenland* numerous flights were undertaken within a period of three weeks in February 1939, a large area was mapped from the air and named "Neu Schwabenland" [New Schwabenland], numerous flags and proclamations were dropped, and an area extending inland from the coast between 4°50' W and 16°30' E was claimed. On the south, a broken line from 71°23' S and 4°50' W, south to 72°41' S and 4°50' W, from there in a straight line to 72°10' S and 16°30' E, was designated the boundary. Previous Norwegian claims were disregarded.

The German Government announced in 1939 that it would take up this claim officially. The outbreak of war either prevented such action or prevented it from becoming known outside of Germany. Australia suggested, as a precaution, that a renunciation by Germany of whatever claims it may have in the Antarctic should be incorporated in the coming peace treaty.

D. JAPANESE CLAIMS.

The Japanese have twice made attempts to compete with the Western Powers in the Antarctic. Both expeditions were led by Lt. Nobu (Naoshi or Choku) Shirase on the *Kainan Maru*. The first, in 1911, had to turn back on reaching the pack ice. The second, in 1912, reached the area of the Bay of Whales, named two bays, effected a landing, and made a short trip (150 miles) inland. The allegedly planned march to the Pole was never attempted probably because of his inadequate equipment but ostensibly because Shirase found Amundsen's men at Framheim awaiting his return from the Pole.

Apparently Shirase did not assert any claim at that time, although he did later. With the backing of patriotic societies, he vainly tried to get the endorsement of the Japanese Foreign Office. This belated Japanese interest apparently is due to the recent interest in whaling resulting from a fat shortage in Japan. In 1940-41, when all other whaling fleets had disappeared from the Antarctic because of the war, 10 Japanese floating factories dominated the field. This was primarily the result of successful German raids on Norwegian whalers. In 1946-47, occupation authorities permitted whaling on a restricted scale by two Japanese floating factories.

The Chilean decree concerning the Antarctic was protested in 1940 by the Japanese Government which reserved the rights but did not raise specific claims at any time. The Japanese Government does not seem to have made special claims in the Chilean sector.

E. SOUTH AFRICAN INTEREST.

A South African group has recently planned to install a meteorological observatory in Coats Land, possibly in the area beyond the Falkland Islands Dependencies, between 20° and 17° W of Greenwich. The Imperial Conference of 1926 asserted the British title to this land in a general way, and it would conform with former procedure to claim it as a South African dependency. The South African Government has informed the proponents of the plan that no official help in the undertaking can be expected. South Africa has participated in whaling recently, though not conspicuously.

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III. DISCOVERY AS BASIS FOR CLAIMS

There is a wide variety of opinion as to whether or how far discovery constitutes a legal basis for claims of sovereignty. Many experts on international law adhere to the opinion that discovery without subsequent occupation is insufficient. This opinion was adopted by most governments in relation to Africa by the Berlin Congo Conference and was incorporated in the Congo Act of 1885. It has been shared by the United States and to some degree by Argentina and Chile. Other experts and several governments (including Great Britain, the Dominions, France, and Norway) deny its applicability to uninhabitable country in the polar regions.

Because of possible future claims, it is necessary to consider briefly those discoveries that have not yet been used as a basis for claims in addition to those discussed in the first two chapters. Some legal authorities maintain that titles by discovery lapse if not implemented within a reasonable time. Most of the discoveries discussed in this chapter preceded the establishment of the Falkland Islands Dependencies in 1907. The most recent discovery mentioned was made more than 35 years ago and others more than a century ago. Though a "reasonable time" has never been defined, the concept should be kept in mind.

A. DISCOVERY AND EXPLORATION.

The first discoveries in the Antarctic were usually made by sighting land from aboard a ship. This raises the question of whether the act of sighting land, sometimes from far out at sea, is adequate for establishing even a preliminary title in the restricted sense of giving the nation of the discoverer the option of establishing a better title within a reasonable time. In the Antarctic, the situation is complicated by the fact that estimates of distances are subject to gross errors, due to the peculiar atmospheric conditions in high latitudes. Refraction can even lift the image of a coast or mountain above the horizon. It seems fairly well established that coasts have been seen though they were 200 or more miles away. Often cloud banks or debris-loaded icebergs have also been mistaken for land. In a few cases, the nonexistence of islands or coasts reported as sighted has been proved. Recent expeditions have found deep sea in areas of reported landfall, even when reasonable allowance is made for possible mistakes in computing latitude and longitude. In the case of the Morrell Coast, the discoverer claimed to have sailed along the coast for several days. But the west coast of Palmer Peninsula, the nearest known coast, is about 10°

longitude away. In other cases, land was later found at some distance from the reported position. In most cases, it probably will never be known whether the original discoverer actually saw a coast and misjudged its position, or whether he was deceived by a cloud bank that concealed the land seen later in the same general area. This is one of the problems concerning discoveries made by the American expedition under Captain Wilkes in 1840. (See below.)

More recent explorers have found that their predecessors sometimes drew inferences from what they actually had seen as to the configuration of much wider areas. Conclusions that may later be disproved are of no concern for this report. If, however, a conclusion drawn from inadequate information is proved to be correct, it is doubtful as to how much credit is due to the discoverer. Wilkes, for example, sailed along the edge of the ice for more than 60° longitude, saw from time to time parts of a coast, and even more continuously the cliff of shelf ice before the coast, noted the existence of a continental shelf, and concluded that he had sailed parallel to the coast of a continent. Although his conclusions proved right, it has been said that the facts at his disposal could have been explained equally well by the existence of a chain of islands or shelf ice like the Ross Barrier.

Similarly, flying over unexplored areas involves a large number of uncertainties not usually recognized by the layman. A striking example is that of Sir Hubert Wilkins' flight along the western coast of Weddell Sea in 1929. He was quite certain (and his photographs seemed to confirm it) that he had discovered at least three broad, ice-filled straits, that divided Palmer Peninsula (Graham Land) into an archipelago. A few years later, the British Graham Land Expedition of Rymill disproved the existence of these straits by traveling by sledge at 5,500 feet altitude over the area where Stefansson Strait, the broadest of them, was supposed to be located. Even Ellsworth, who had flown over the same area, thought he had been able to confirm the existence of Stefansson Strait. On the other hand, he was unable to recognize that George VI Sound was a frozen strait, although he recognized the existence of a depression. When Ellsworth recrossed the strait at its western end, even the depression seems to have escaped his notice.

One of Ellsworth's photographs enabled investigators at the American Geographical Society in New York to recognize George VI Sound. Wilkins' photographs, however, serve as a warning against the danger of overevaluation of air photographs

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under Antarctic conditions. Only if it is possible to establish ground controls and to tie the aerial photographs to these control points is aerial photography fully reliable.

There is also question as to how far claims made by dropping flags and proclamations from airplanes can be accepted. In 1930 Wilkins flew around Charcot Island and dropped flags and proclamations over the easternmost and westernmost capes. Fliers of the United States expedition, however, have expressed doubts as to whether Charcot Island is not a part of Alexander I Island.

On his first expedition, Byrd flew over land never before seen and named it Marie Byrd Land. He "realized with some satisfaction that the land that lay to the east could be claimed for the United States."¹ But he did not claim it at that time. Not until L. M. Gould, leader of a geological sledge party, crossed the meridian of 150° W much farther south was the following documentary claim deposited:²

We are beyond or east of 150th meridian and, therefore, in the name of Commander Richard Evelyn Byrd claim this land as a part of Marie Byrd Land, a dependency or possession of the United States of America.

From the discussion above, it is obvious that a ship should either pass very close to the coast or set a party ashore to explore newly discovered lands by actually traveling over them. All explorers have realized this and tried to effect landings, establish shore bases, arrange sledge trips, and (since the development of aerial photography) establish ground control points. It is also generally accepted, and adherents of the theory agree, that whereas discovery establishes a title, it is usual to deposit a document and to raise a flag at one point of the claimed territory in order to formalize a claim. Opinion is divided as to whether this can be done by dropping claims from the air.

The maps of the Antarctic accompanying this report distinguish between different types of exploration and discovery. But large margins of uncertainty will remain. Even if areas seen from the sea, areas seen from the air, and areas surveyed with help of aerial photography are distinguished from each other, the reports of explorers leave wide leeway as to how far visibility can be assumed. On a single day, it certainly varies with changing atmospheric conditions and light. Any statements of visibility distance under specified conditions are still estimates. Recent explorers with wide experience in the Antarctic, who have been warned by the failures of their predecessors, are known to have erred considerably. Sir Douglas Mawson and the

Norwegians were able to correct each other's estimates by dozens of miles, and the landfalls of previous explorers by even larger distances.

Another problem is posed if mountains are seen from the sea. If mountain tops farther inland are high enough, they may have been seen from a ship at sea although the coast lay below the horizon or was hidden by low fogs. The validity of a claim depends, therefore, on how close to shore a ship sailed and on the character of the coast. Where an icecap slopes gently to the coast and merges gradually into frozen sea ice, even a sledging party may be unable to establish the exact location of a coast line.

In general, land parties have the best opportunity to establish exact locations. Their slow movements make possible a greater degree of accuracy in estimating distances, since most features along their routes can be seen for several days. Under such relatively favorable circumstances, however, grave errors may be made. Amundsen's "Carmen Land," for example, had to be removed completely from maps.

Coastal surveys from ships, also, may have a high degree of accuracy if the ship is able to sail close to the shore. It is impossible to distinguish between such reliable surveys from aboard ship and sightings from far out at sea.

All these circumstances should be kept in mind in judging claims derived from discovery or exploration and in using maps that show territory allegedly seen or explored.

B. UNITED STATES.

Since the beginning of the nineteenth century, seal hunters have visited the southern Atlantic, among them many Americans from Connecticut. Stonington, Connecticut, was the main port of departure. The most important of the Connecticut whalers was Nathaniel B. Palmer, who (in 1820) probably was the first person to see the Antarctic Continent. He did not land or stop there, because he was hunting for sealing grounds and was not interested in exploration for its own sake. His exploration of some of the South Shetland Islands was incidental. Another voyage of his (or possibly of some other Connecticut sealer) is vaguely reported to have gone as far south as 66°. It is impossible to say definitely which part of the Antarctic was seen. The literature on this point is voluminous but inconclusive. Although the accounts may contain truth, they were written many years after the discoveries.

In 1840, Lt. Charles Wilkes, as head of the official United States Exploring Expedition, discovered various stretches of land and saw parts of the coast of the Antarctic Continent between 96° E and 155° E, within the area now claimed by Australia. His

¹ Richard E. Byrd, *Little America*, New York, 1930, p. 142.

² *Ibid.*, p. 407-8.

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discoveries, also, have been the topic of acrimonious discussions. Probably it can never be proved conclusively whether some of the coasts reported as seen by him were cloud banks or land lifted above the horizon by mirage. Few of his discoveries could be found by later expeditions in the exact positions he gave. The main result of his expedition was the discovery of the existence of the Antarctic Continent and the location of its coast roughly parallel to and near the Antarctic Circle. Though sponsored by the United States Government, Wilkes did not claim for this country any of the coasts seen by him.

A small sub-Antarctic island at approximately 53° S and 74°30' E was discovered by the American Captain J. J. Heard in 1853 and named Heard Island. Within a year it was reported by four other ships, all British, none of which seems to have had knowledge of its previous discovery. The desolate, ice-covered, volcanic island has been frequented by British and Norwegian sealers, but no settlement of claims appears to have been attempted. The almost simultaneous discovery was due to the adoption of a new great circle route from Capetown to Melbourne. This route may be of interest again in the age of airplane travel, though existing reports do not indicate whether it would be possible to locate suitable landing grounds. Most maps show Heard Island as British. Heard's suggestion of sending an American warship to take possession was not heeded at that time.

C. GREAT BRITAIN.

While most of the British discoveries have served as a basis for official claims (see Chapter I, A), Coats Land east of the 20° W meridian is still outside the territory claimed by the British. It was sighted from the sea by the Scottish expedition of W. Bruce in 1902. The Imperial Conference of 1926 indicated that this might serve as the basis for a title, but no action has been taken as yet. According to one report, Britain has waived its claim to that coast in favor of Norway. Plans of a South African group to establish a meteorological station have not so far been carried out.

D. NETHERLANDS.

The Dutch sailor Dirck Gerritsz is credited with having seen the South Shetland Islands as early as the sixteenth century, but his discovery was completely forgotten. The attempt of some, especially German geographers of the nineteenth century, to replace the name of the South Shetland Islands by Dirck Gerritsz Archipelago had little success. In this case, if ever, the principle of lapse of title if not implemented within reasonable time should apply. There is no evidence of a contrary opinion in the Netherlands.

E. RUSSIA.

The Russian expedition of Baron Thaddeus (or Fabian Gottfried) von Bellingshausen in 1820 was the first to discover land south of the Antarctic Circle. He was sent out by Emperor Alexander I to circumnavigate the Antarctic south of Cook's track. He accomplished his mission, but found no land until he discovered Peter I Island. A few days later he sighted and named Alexander I Land [Alexander I Island]. He could not approach close enough to any of these shores for a landing. Although official in character, this expedition raised no claim. Nor has the Soviet Government as yet given any indication that it would base claims on Bellingshausen's discoveries, despite the renewed interest of the Soviets in the Antarctic manifested by the dispatch of a whaling fleet in the 1946-47 season.

F. NORWAY.

Norwegians as individuals have played a much larger part in Antarctic discovery than is indicated by the record of expeditions under the Norwegian flag. Borchgrevink and his crew were entirely Norwegian; but his ship, the *Southern Cross*, sailed under the British flag. Norwegians served on almost all modern expeditions because of their experience as whalers in ice-covered regions. Byrd, for example, on his two expeditions, arranged to have his ship towed through the pack ice by Norwegian whalers.

A special case is that of Captain Larsen. His vessel, the *Jason*, was chartered by a Hamburg firm, but sailed from Sandefjord under the Swedish flag in 1892-94, as Norway at that time was part of the Swedish kingdom. He was the first to discover large parts of the Palmer Peninsula coast of the Weddell Sea. He probably did not see much of the actual coast line, but the mountains behind it. The Larsen Shelf Ice along this coast was mapped in most of its extent by his expedition. He raised no claims, but had he done so they would have had to relinquish them along with others lying within the areas claimed by the British.

G. BELGIUM.

An expedition under Lt. Adrien de Gerlache in the *Belgica* visited the northwestern coast of Palmer Peninsula and islands adjacent to it in 1898-99. The crew was multinational—including the American Dr. Cook and Amundsen, the discoverer of the South Pole. The Belgian Government was connected with the expedition only insofar as it bore part of the costs of the equipment and of the publishing of its scientific results. After an interval of about sixty years of inactivity, this was the first purely scientific expedition to the Antarctic to explore the areas visited and vaguely described by

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earlier sealers. Many landings were made. The *Belgica* was also the first ship to winter in the Antarctic. The names De Gerlache Strait, Anvers Islands, etc., are reminders of this expedition. No claims were raised or are likely to be raised by the Belgians on the basis of the expedition.

H. SWEDEN.

In addition to the expedition under the Swedish flag led by Larsen, there was one truly Swedish expedition, that of the *Antarctic* in 1901-03, which was led by Otto Nordenskjöld, nephew of the famous explorer of the Siberian coast. The expedition wintered for two years on Snow Hill Island and near Hope Bay. A large part of the eastern coast and some little known parts of the northern coast of Palmer Peninsula were explored. The *Antarctic* was lost, but the expedition was saved by the Argentine ship *Uruguay*. Ironically, this Argentine relief expedition, rather than the Swedish with its important scientific results, furnished the basis for sovereignty claims.

I. FRANCE.

Dumont D'Urville, on his circumnavigation of the Antarctic in 1838, explored the northeastern tip of Palmer Peninsula and named Joinville Island and Louis Philippe Land [Louis Philippe Peninsula]. As he did not land, D'Urville did not take symbolical possession as he did later on his landing on an island off Adélie Coast.

Jean Charcot led two notable expeditions to the area west and south of the field of exploration of

the *Belgica*. The *Français* (1902-04) and the *Pourquoi Pas* (1908-10) expeditions also performed valuable scientific research. The former wintered at Wandel Island, and the latter at Petermann Island. Names like Fallières Coast, Loubet Coast, and Charcot Island are reminders of Charcot's exploits. No claim was raised.

J. GERMANY.

The German ship *Grönland*, on a whaling expedition under Captain Eduard Dallmann in 1872-74, mapped a few details in the then practically uncharted archipelago off Palmer Peninsula. Bismarck Strait and Dallmann Bay were named by this expedition.

In 1901-03, Drygalski in the *Gauss* discovered and named Kaiser Wilhelm Land [Wilhelm II Coast]. A landing was effected and Mount Gauss was climbed.

In 1911-12, Wilhelm Filchner in the *Deutschland* reached the southernmost point of Weddell Sea. He discovered Luitpold Coast and the existence of shelf ice, apparently comparable to the Ross Shelf Ice. Two landings were attempted but no land base could be established, due to the immense icebergs that break away from the glacier and the shelf ice.

Apparently, none of the German discoveries led to claims. Such a claim would have been canceled, in any case, by the conditions of the Treaty of Versailles.¹

¹ Articles 118-119 of Versailles Treaty.

IV. AMERICAN POLICY IN THE ANTARCTIC

The United States has not raised any Antarctic claim so far, and its public statements have been limited to a refusal to recognize the claims of other countries and the reservation of its own rights. Actually, this attitude has changed slightly and official interest has become more marked.

A. THE OFFICIAL ATTITUDE OF THE DEPARTMENT OF STATE.

During recent years the Department repeatedly has stated that it does not recognize the claims of any other country. As yet it has advanced no claims of its own, but has reserved all rights that the United States or its citizens may have.

When the secretary of the Republican Publicity Association inquired in letters dated February 2 and 16, 1924, whether the United States had a valid claim to Wilkes Land by right of discovery, whether this claim had ever been proclaimed, and what might be the objections in law or policy to annexing the area, Secretary of State Charles E. Hughes replied on May 13, 1924,¹ as follows:

It is the opinion of the Department that the discovery of land unknown to civilization, even when coupled with a formal taking of possession, does not support a valid claim of sovereignty unless the discovery is followed by an actual settlement of the discovered country. In the absence of an act of Congress assertative in a domestic sense of dominion over Wilkes Land this Department would be reluctant to declare that the United States possessed a right of sovereignty over the territory.

This attitude can be further illustrated by quoting one fairly detailed example among a number of policy statements. In referring to the French proclamation of sovereignty over Adélie Land, based on the discovery by D'Urville one hundred years ago, the American Ambassador was instructed to declare:²

I am instructed to inform Your Excellency that in the light of long-established principles of international law the United States Government cannot acknowledge that sovereignty accrues from mere discovery unaccompanied by occupation and use, or by reason of unimplemented declarations, decrees or laws. It is on this basis

that my Government has, as yet, recognized no sovereignty claims in the Antarctic and takes the view that it can recognize only such sovereignty and dominion in that area as has been acquired by the accepted rules and principles of international law, or through pertinent international agreements to which the United States is a party.

Similar but, in most cases, less specific statements have been made repeatedly, not only about foreign claims, but also calling attention to the fact that Americans were among the explorers of the Antarctic.

The most recent statement confirming this policy was that of Acting Secretary of State Acheson at a press conference on December 27, 1946:³

... the United States Government has not recognized any claims of any other nation in the Antarctic and has reserved all rights which it may have in those areas. On the other hand, the United States has never formally asserted any claims, but claims have been asserted in its behalf by American citizens.

In many cases, the Department has even refused to discuss the matter, as when asked whether it considered it appropriate to take up the claims made by Ellsworth and Byrd. In the same vein is the note of January 14, 1939, to the Norwegian Minister in response to the announcement of the Norwegian claims:

Without at this time desiring to enter into a discussion of the various territorial and other questions suggested by the contents of the Royal Decree to which you have drawn my attention, I wish to inform you that the United States reserves all rights which it or its citizens may have in the area mentioned.

In all these communications potential American rights were reserved. Such was the case after Admiral Byrd had disavowed claims in the Antarctic. On March 15, 1930, in a press conference but apparently off the record, the Acting Secretary of State replied that he understood that Admiral Byrd's statement was not one that would affect national claims in regard to the territory which he discovered.

B. PREPARATIONS FOR ACTIVE ASSERTION OF AMERICAN CLAIMS.

The recent change in official policy is either not known or only partially known to the public. On

¹ *Department of State, Bulletin*, January 5, 1947, p. 30.

² *American Journal of International Law*, Vol. 30, 1939, p. 52.

³ Draft note of April 25, 1939. The note actually delivered on May 16, 1939, was much shorter, stopping after "mere discovery." See G. H. Hackworth, *Digest of International Law*, Washington, 1940, Vol. 1, p. 457.

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June 30, 1930, Senator Tydings introduced the following resolution:¹

Whereas certain hitherto unknown areas of land in the South Polar region have been discovered and explored by Rear Admiral Richard E. Byrd; and

Whereas the British Government has notified the Department of State that various areas in the Antarctic, which comprise almost the entire South Polar cap, are claimed as British territory; and

Whereas the regions claimed by Great Britain include two areas originally discovered by American Naval officers as early as 1820 and 1840; and

Whereas the Department of State has not defined a policy for the United States regarding American discoveries and explorations in the Antarctic, but has declared that "in the absence of an Act of Congress" it "would be reluctant to declare that the United States possessed a right of sovereignty over that territory": Therefore be it

Resolved, That the Senate of the United States does hereby authorize and direct the President to lay claim to all areas in the Antarctic which have been discovered or explored by American citizens.

The resolution was discussed, and numerous inquiries were addressed to the Department in subsequent months regarding American policy. The resolution was not acted upon prior to the adjournment of the Senate.

A further positive step in the change of attitude toward American claims was made when Congress adopted an act,² approved June 16, 1936, which reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to present a gold medal of appropriate design, with accompanying distinctive ribbon to Lincoln Ellsworth, noted American explorer and outstanding pioneer in exploratory aviation in the Arctic and in Antarctica, for claiming on behalf of the United States approximately three hundred and fifty thousand square miles of land in Antarctica between the eightieth and one hundred and twentieth meridians west of Greenwich, representing the last unclaimed territory in the world, and for his exceptionally meritorious services to science and aeronautics. . . .

It will be noted that Congress put the act of claiming land on behalf of the United States first among Ellsworth's achievements.

¹ Senate Resolution No. 310, 71st Congress, 2d session, 1930.

² 49 Stat. 2324.

When Ellsworth departed on his fourth Antarctic expedition in 1938, he approached the Department of State for suggestions as to which part of Antarctica he should explore in order best to serve American interests. The Department was reluctant to make suggestions because Ellsworth's expedition was a private undertaking, he was accompanied by the famous British explorer Sir Hubert Wilkins, his airplane was flown by a Canadian pilot, and the crew of his vessel, the *Wyatt Earp*, was almost entirely Norwegian. The Department, however, directed the American Consul in Capetown to inform Ellsworth in strict confidence that:

. . . it seems appropriate for him to assert claims in the name of the United States, as an American citizen, to all territory he may explore, photograph, or map which has hitherto been undiscovered and unexplored, regardless of whether or not it lies within a sector or sphere of influence already claimed by any other country. It is, of course, preferable that such claims shall relate to territories not already claimed by another country. Reassertion of American claims to territory visited by American explorers several decades ago would seem to be appropriate if he should desire to explore such areas. You may suggest the possibility of dropping notes or personal proclamations, attached to parachutes, containing assertions of claims, and subsequently making public the text of such claims, together with approximate latitude and longitude of the points concerned. It should be made clear to Ellsworth that he should not indicate or imply advance knowledge or approval of the Government of the United States but that he should leave it for this Government to adopt its own course of action.

The extent of American activities in Wilkes Land, Palmer or Graham Land, Marie Byrd Land, and Heard Island, and other areas in the Antarctic were, of course, well known to Ellsworth.

It was also suggested that he use a form for assertion of claims, as did Sir Hubert Wilkins when he dropped two proclamations over Charcot Island in 1929 (the first case in which a claim was asserted this way). Ellsworth seems to have expected more positive backing, but loyally executed the wishes of the Department. (See Chapter II, A, 3.)

Despite its policy of refraining from official claims, the Department at that time (1938) approved the assertion of claims by individual explorers. Although preference for claims in hitherto unclaimed territory was indicated, it was clearly stated that "sector claims" should be disregarded. This, obviously, was taken by Ellsworth as implying that claims to areas actually discovered and explored by others should be respected.

³ Instruction from Secretary Hull to James Orr Denby, American Consul at Capetown, August 30, 1938.

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C. THE UNITED STATES ANTARCTIC SERVICE EXPEDITION.

The instructions to the American Consul in Capetown are the first outward sign of a slightly changed approach to the problem of sovereignty in polar regions.

According to a directive issued by President Roosevelt, Under Secretary of State Sumner Welles discussed, in a memorandum to the President on January 8, 1939, American policy in the polar regions. This memorandum states:

I am inclined to believe, however, that these naked reservations of American rights would, alone, have little practical weight in an ultimate settlement of Polar territorial questions when balanced against the positive steps to preserve their territorial rights which have been and are being taken by other countries pursuing vigorous and acquisitive Polar politics.

Welles, therefore, proposed under the third heading of the memorandum:

... a modification of the American position that sovereignty in the Polar regions should be based, among other factors, on "effective occupation," as that term is understood when applied to territories in the temperate zones. The United States might take the position that appropriate bases for sovereignty claims in the Polar areas should be discovery, followed by "constructive occupation," such as exploration, the exercise in the claimed territory of administrative functions et cetera, coupled with a formal claim to possession.

From these suggestions, plans for the United States Antarctic Service Expedition were evolved in collaboration with Interior and Navy Departments and the Coast Guard. In hearings before the Subcommittee of the Committee on Appropriations of the House of Representatives on June 2, 1939,¹ the main purpose was said to be:

... to establish and strengthen the claims of the United States there [in the Antarctic] ... we have a very considerable basis for our claims, on the grounds of discovery, occupation, particularly the explorations and settlements of the two Byrd Antarctic expeditions and the several Ellsworth flights.

The State Department felt that the time had come when we should assert those claims, or at least, develop the basis of the claims. ...

From this and other statements, it is obvious that the Department did not intend to abandon the Hughes doctrine or recognize other claims, but

¹ General statement of Ernest Gruening, Director, Division of Territories and Island Possessions, Interior Department. In Hearings on H. J. Res. 310 before the subcommittee of the Committee on Appropriations, House of Representatives, 76th Congress, 1st session, 1939.

thought that Great Britain and, to a lesser degree, other countries had followed up discoveries and proclamations of sovereignty by "constructive occupation" and had thereby strengthened their claims. The question of permanent occupation was also given serious consideration.

The line of reasoning was not followed up, however, and it was even conceded that:

... we are the only ones who maintain that there should be permanent occupation. The others are claiming on grounds of discovery.² They claim whatever they have seen, even though they did not land, and some territory they haven't even seen. They maintain that discovery alone may form a basis for a claim to sovereignty. We have not agreed, and have maintained that international law requires permanent settlement before title can be perfected.

An appropriation passed by Congress in 1939 contained a total of \$350,000 for an "investigation and survey of natural resources of the land and sea areas of the Antarctic regions." It made no mention of strengthening American claims. Some opposition was raised because representatives felt that this expedition might lead to international complications or that such an outlay was not justifiable for an economically unpromising, ice-covered area. Opposition became so strong that when Congress was asked for money to continue the expedition, the appropriation was refused. A supporting letter from Secretary Hull on May 29, 1940, did not change this decision. He wrote:

In my opinion, considerations of continental defense make it vitally important to keep for the 21 American Republics a clearer title to that part of the Antarctic Continent south of America than is claimed by any non-American country.

The idea of regarding Palmer Peninsula as a common area for all the American Republics has been opposed by Argentina and Chile. Argentine spokesmen, especially, objected to the "extension of the Monroe Doctrine." The idea had been conceived originally to allay apprehension, especially in Argentina, as to the purpose of the United States Antarctic Service Expedition and to emphasize the common interest of all American Republics:

... in preventing any claims of European, Asiatic, or African nations to this sector. Any question of ultimate or final sovereignty as between individual members of the twenty-one American Republics is, of course, premature.³

² This statement was not quite accurate even at that time; for example, "permanent occupation" was claimed for Laurie Island, and Argentine and Chilean claims are not based on discovery, as shown in Chapter I. The statement would be even less accurate today.

³ Memorandum from President Roosevelt to Secretary of State and Under Secretary of State, July 28, 1939.

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Accordingly, American diplomatic officers in the American Republics were instructed to deliver to the respective Foreign Offices a confidential memorandum along those lines. After explaining the plans of the expedition, the instruction¹ continued:

It will be the mission of the forthcoming United States Expedition to add to the existing scientific data concerning the Antarctic and to determine and make recommendations regarding the practicability of making permanent or semi-permanent establishments in Antarctica. The action of the United States in this connection is not intended to prejudice in any way the rights or interests which any American Republic may have in the Antarctic regions.

This is further elaborated in a later instruction which goes even farther in announcing possible formal claims by the United States which, however, were to be regarded as a safeguard for the rights of the community of American Republics:²

It is hoped that these investigations and surveys may indicate the existence of natural resources that can eventually be practicably developed and utilized. In such event, it is the desire of the Government of the United States to enter into arrangements with the Governments of the other American Republics so that the Governments and citizens, respectively, of all the American Republics may have equal opportunity, or mutually satisfactory bases, for participation in the development and utilization of the natural resources that may be found.

After repeating the nonrecognition and reservation policies, it was stated that:

[for surveyed areas that] warrant settlement and consideration for further development, it may prove advisable for formal claims of sovereignty to be made over those areas. It is believed that such claims might most efficaciously be made by an individual Government, and should such claims accordingly be asserted by the Government of the United States as a result of the investigations and surveys described, it is desired that the Governments of the other American Republics know that these claims may be considered as a safeguard to the opportunity of the Governments and citizens of all the American Republics for participation in the development and utilization of such resources as the regions claimed may be found to possess.

The anticipated claim never was made and both Argentina and Chile were dissatisfied with the prospect of an American trusteeship, as has been demonstrated by their activities since 1940. Although the United States tried to win the support of Ar-

gentina and Chile by warning them against non-American aggression, British claims were not challenged. The instructions to Admiral Byrd indicate clearly that Little America in the Ross Dependency and the East Base on Stonington Island in Marguerite Bay were to serve as bases only if no suitable places for bases could be found outside the British claims.¹ Other areas to be investigated were James W. Ellsworth Land, Marie Byrd Land, and areas such as the unexplored southwest coast of Weddell Sea.² The nonrecognition of claims to undiscovered areas bounded by meridians is obvious and is consistent with earlier policy.

The authorization of individual members of the expedition to assert claims was foreshadowed in the suggestions to Lincoln Ellsworth (1938) quoted on p. 22, in spite of the private character of his expedition. Furthermore, paragraph 6 of the instructions to Byrd (1939) reads:

The United States has never recognized any claims of sovereignty over territory in the Antarctic regions asserted by any foreign state. No member of the United States Antarctic Service shall take any action or make any statements tending to compromise this position.

Members of the Service may take any appropriate steps such as dropping written claims from airplanes, depositing such writings in cairns, et cetera, which might assist in supporting a sovereignty claim by the United States Government. Careful record shall be kept of the circumstances surrounding each such act. No public announcement of such act shall, however, be made without specific authority in each case from the Secretary of State.

Apparently, only one such document was deposited—by L. Berlin (see Chapter II, A, 1)—and none were dropped from the air. The form for such a document had been prepared in advance. Its main difference from the form suggested to Ellsworth is that it should be signed not only by the depositor, but also by several witnesses.

Further pursuit of such claims was precluded by the attitude of Congress as manifested in the hearing before the House Subcommittee for Appropriations, at which unwillingness to involve the United States in international complications because of Antarctic areas was clearly manifest. The outbreak of World War II further interrupted American activity in the Antarctic.

D. ANTARCTIC DEVELOPMENTS PROJECT, 1946-47.

This project was originally planned for developing equipment and giving training for polar operations, as a result of the experience that the Navy

¹ Circular Instruction, August 8, 1939.

² Circular Instruction, December 11, 1939.

¹ Instructions for Admiral R. E. Byrd, November 25, 1939, Paragraph 6 a and b.

² *Ibid*, Paragraph 6d.

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had had in Polar regions during the war. The combination of exploration with the Navy program developed later. This introduced the question of whether or not the claims should be raised in the event of new discoveries. The attitude of the Department of State and of the Navy, which undertook the project, is shown in a telegram to the Officer in Charge:¹

State Department . . . expresses belief that Naval Task Force is not precluded by prior territorial rights or claims of other states from entering and engaging in lawful activity in any of those areas or from making symbolic claims thereto or to newly discovered territory on behalf of the United States. You are directed to take appropriate steps such as depositing written claims in cairns, dropping from airplanes containers enclosing such written claims, etc., which might assist in supporting a claim of sovereignty by the United States Government and to keep a careful record of circumstances surrounding each act. No public announcement with respect to these activities shall be made. Written claims to be deposited should be expressed substantially in following form:

U. S. Naval Antarctic Developments Project. 1947.

I (name) (rank), a member of the United States Naval Antarctic Developments Project, 1947, operating by direction of the President of the United States of America and pursuant to

instructions of the Secretary of the Navy, being engaged in the discovery, investigation, and survey of land and sea areas of the Antarctic regions and being in command of a party carrying out the aforesaid instructions,

Hereby declare that we have discovered and investigated the following land and sea areas: (Here describe briefly what the party has done, means of transportation, course taken, and inclusive dates)

And I hereby claim this territory in the name of the United States of America and in support of this claim I have displayed the flag of the United States thereon and have deposited this record thereof under the following circumstances

(Here indicate, where and how deposited or dropped from airplane at approximately south latitude, and longitude of Greenwich on this day of 1947.)

Signature and three witnesses.

In accordance with this instruction numerous claims were dropped from airplanes, many of them in territory never seen before but claimed by some other power. There are also numerous instances of claims dropped in places that had been seen before by other explorers, as in Wilkes Land. No suggestion was made for any form of semipermanent occupation. If "constructive occupation" had still been thought necessary, this principle was defined as including the policy of basing claims on repeated revisiting of places previously discovered.

¹ Navy Telegram No. 1676, Washington, December 30, 1946.

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TABLE I — LIST OF EXPEDITIONS

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
1. 1599	Dirck Gerritsz	<i>De Blijde Boedschap</i>	Dutch	....	Trading	South Shetlands	19
2. 1738-39	Pierre (Lozier) Bouvet	<i>Aigle & Marie</i>	French	French East India Company	Attempt to discover "Austral continent"	Bouvet Island	7
3. 1771	Yves Joseph de Kerguelen-Tremarec	....	"	Government	"	Kerguelen Island	..
4. 1772-75	Capt. James Cook	<i>Adventure & Resolution</i>	British	British Admiralty	"	Circumnavigation of Antarctic Continent, but out of sight of land; South Georgia, South Sandwich Islands	i, 2, 3
5. 1800	Capt. Swain	....	U. S.	....	....	Swain's Island, apparently nonexistent	..
6. 1808	James Lindsay	<i>Snow Swan</i>	British	Enderby Bros.	....	South Atlantic	..
	Thomas Hopper	<i>Otter</i>	British				
7. 1819	William Smith	<i>Williams</i>	British	....	Trading	South Shetland Islands	2, 3
8. 1819-21	Thaddeus (Fabian G.) von Bellingshausen	<i>Mirny and Vostok</i>	Russian	Government	Exploration	Circumnavigation of Antarctic Continent; Peter I Island, Alexander I Island	i, 8, 19
9. 1820	Edward Bransfield	<i>Williams & Andromache</i>	British	Government	Exploration	South Shetland Islands, Trinity Island	i, 3
10. 1820-21	Nathaniel B. Palmer	<i>Hero</i>	U. S.	Private B. Pendleton, E. Fanning	Sealing	North Coast of Palmer Peninsula	i, 3, 18
11. 1821-22	George Powell	<i>Dove</i>	British	Private	Sealing	South Orkney Islands	2, 3
12. 1821	Nathaniel B. Palmer	<i>James Monroe</i>	U. S.	Private	Sealing	South Shetland Islands, and South Orkney Islands	..

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
13. 1822-23	Benj. Morrell	<i>Wasp</i>	U. S.	Private	Sealing	New South Greenland and several islands, none of them confirmed later, perhaps Bouvet Island	7
14. 1822-24	James Weddell	<i>Jane and Beaufoy</i>	British	Private	Sealing	Weddell Sea	
15. 1825	Norris	<i>Sprightly</i>	British	Private	Sealing	Bouvet Island	7
16. 1828-30	Henry Foster	<i>Chanticleer</i>	British	Private	Sealing	Palmer Peninsula	3
17. 1830-32	John Biscoe	<i>Tula and Lively</i>	British	Enderby Bros.	Exploration and sealing	Cape Ann, Enderby Land; Adelaide and Biscoe Islands, Graham Coast	3, 6
18. 1833	Peter Kemp	<i>Magnet</i>	British	Enderby Bros.	Exploration and sealing	Kemp Coast Enderby Land	
19. 1837-40	Jules Dumont D'Urville	<i>Astrolabe and Zélee</i>	French	Government	Exploration and magnetic survey	Joinville Island and Louis Philippe Peninsula (Palmer Peninsula) Adélie Coast	i, 7, 20
20. 1838-39	John Balleny	<i>Eliza Scott and Sabrina</i>	British	Enderby Bros. and 7 cooperating London merchants	Exploration and sealing	Balleny Islands Sabrina Coast	
21. 1838-42	Charles Wilkes	U. S. Exploring Expedition, ships <i>Vincennes</i> , <i>Porpoise</i> , <i>Sea Gull</i> , <i>Peacock</i> , <i>Flying Fish</i>	U. S.	Government	Exploration	Wilkes Land	i, 7, 17, 18
22. 1839-43	James Clark Ross	<i>Erebus and Terror</i>	British	Government	Exploration and magnetic survey	Victoria Land, Ross Sea, Ross Barrier, Ross Island, Snow Hill Island near Palmer Peninsula	i, 3, 4
23. 1853	John J. Heard	<i>Oriental</i>	U. S.	Private	Trading	Heard Island	19

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
24. 1873-74	Eduard Dallmann	<i>Grönland</i>	German	German Society for Polar Navigation	Sealing	Bismarck Strait (Palmer Archipelago)	20
25. 1874	George S. Nares	<i>Challenger</i>	British	Government and Royal Society	Deep sea exploration	Southern oceans	..
26. 1892	Alexander Fairweather Thomas Robertson James Davidson Thomas Davidson	<i>Balaena</i> , <i>Active</i> , <i>Diana</i> , <i>Polar Star</i>	British (Scottish)	Private	Whaling	Dundee Island; northeastern tip of Palmer Peninsula	..
27. 1892-94	C. A. Larsen	<i>Jason</i>	Norwegian (German)	Oceana Co. of Hamburg & Christen Christensen, of Sandefjord	Whaling	East coast of Palmer Peninsula; Larsen shelf ice	19
28. 1894-95	Leonard Kristensen	<i>Antarctic</i>	Norwegian	Sven Foyen	Whaling	First landing on the Antarctic Continent (Victoria Land)	..
29. 1897-99	Adrien de Gerlache	<i>Belgica</i>	Belgian	Government, Brussels Geographical Society, & Popular Subscription	Exploration	Gerlache Channel, Palmer Peninsula. First wintering of a ship in the Antarctic	19
30. 1898-99	Carl Chun Adalbert Krech	<i>Valdivia</i>	German	Scientific societies with help of the Navy	Deep sea exploration	South Atlantic	7
31. 1898-1900	Carstens Egeberg	<i>Southern Cross</i>	British	Sir George Newnes	Scientific research	First wintering on the Antarctic Continent, on Cape Adare	4
32. 1901-03	Borchgrevink Erich v. Drygalski	German South Polar Expedition, <i>Gauss</i>	German	Private with Government Support	Exploration	Wilhelm II Coast	20

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
33. 1901-03	Otto G. Nordenskjöld	<i>Antarctic</i>	Swedish	Private	Exploration	East Coast of Palmer Peninsula	20
34. 1903	Julian Irizar	<i>Uruguay</i>	Argentine	Government	Relief	Hope Bay on Palmer Peninsula	9
35. 1901-04	Robert Falcon Scott	National Antarctic Expedition <i>Discovery</i>	British	Private, supported by scientific societies and Government	Exploration	Ross Sea. Over the Shelf Ice to 82° 17' S. And west to the Antarctic plateau, Edward VII Peninsula	4
36. 1902-04	William Colbeck	<i>Morning & Terra Nova</i>	British	Private, supported by scientific societies and Government	Relief	McMurdo Sound	
37. 1902-04	William S. Bruce	<i>Scotia</i> Scottish National Antarctic Expedition	British	Principally Andrew Coats and James Coats, Jr.	Exploration, oceanography & meteorology	Coats Land. Observatory on Laurie Land	9, 19
38. 1904 ff	Robert C. Mossman and changing every year	<i>Uruguay</i> and others in later years	Argentine	Government	Meteorologic observation	Observatory on Laurie Island	9
39. 1904-05	Jean B. Charcot	<i>Français</i>	French	Private	Exploration	Palmer Peninsula	20
40. 1907-09	Sir Ernest H. Shackleton	<i>Nimrod</i>	British	British, New Zealand & Australian Governments and private individuals	Exploration. Attempt to reach South Pole	Beardmore Glacier to Polar Plateau	4
	Sir Edgeworth David		British	....	Magnetic research	Magnetic South Pole	5
41. 1908-10	Jean B. Charcot	<i>Pourquois Pas</i>	French	Government, societies & individuals	Exploration	Fallières Coast Loubet Coast, Marguerite Bay, Charcot Island	3, 8, 20

TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
42. 1910-12	Ronald Amundsen	<i>Fram</i>	Norwegian	Private	Exploration	South Pole	5, 15
	K. Prestrud		Norwegian	....	Exploration	Edward VII Peninsula	5, 15
43. 1910-13	Robert Falcon Scott	<i>Terra Nova</i>	British	Private with Government subsidy (Great Britain, Union of South Africa & Australia)	Exploration	South Pole, Victoria Land, Oates Coast	4
44. 1910-12	Nobu (Choku) Shirase	Japanese Antarctic Expedition, <i>Kainan Maru</i>	Japanese	Private	Attempt to reach South Pole. Exploration	Edward VII Peninsula	5, 16
45. 1911-12	Wilhelm Filchner	<i>Deutschland</i>	German	Private with Government financial support	Exploration	Luitpold Coast	4, 20
46. 1911-13	Sir Douglas Mawson	Australasian Antarctic Expedition, <i>Aurora</i>	Australian	Australian & British Govt., scientific societies, individuals	Exploration	Adélie Coast, Magnetic Pole, Queen Mary Coast, George V Coast, Wilkes Land	
47. 1914-17	Sir Ernest H. Shackleton	<i>Endurance</i> and <i>Aurora</i> Imperial Transantarctic Expedition	British	Private with Govt. subsidy (Great Britain, New Zealand & Australia)	Exploration	Coats Land, Caird Coast, Cape Adare Area	4, 6
48. 1917	Luis Pardo	<i>Yelcho</i>	Chile	Government	Relief	Elephant Island	12
49. 1920-22	J. L. Cope	Put ashore and relieved by Norwegian whalers	British	Private	Exploration	Attempted crossing of Palmer Peninsula	3

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
50. 1921-22	Sir Ernest Shackleton Frank Wild	<i>Quest</i>	British	Private (mostly by John Quiller Rowett)	Exploration	South Georgia, Weddell Sea	
51. 1925-27	Different leaders ¹	<i>Discovery, William Scoresby, Discovery II</i>	British	Official Discovery Committee	Survey, oceanographic research, whale marking	The ocean around the Antarctic Continent, Falkland Islands Dependencies	3
52. 1925-27	Stanley Kemp	<i>Discovery, William Scoresby</i>	British	Discovery Committee (Official Agency)	Hydrographic & biological research; survey	Southern Atlantic and adjacent parts of Polar seas	
53. 1926-37	Different leaders ²	Several factory ships and some catchers	Norwegian	Lars Christensen	Exploration, biological research, whaling from Peter I Island east to 85° E.	Falkland Islands Dependencies	7, 8
54. 1926-27	Eyvind Tofte	<i>Odd I</i>	Norwegian	Lars Christensen	Establishment of a shelter	Peter I Island	8
55. 1927-30	....	<i>William Scoresby</i>	British	Discovery Committee (Official Agency)	Hydrographic & biological research; survey	Southern Atlantic and adjacent parts of Polar Seas	3
56. 1927-28	H. Horntvedt	<i>Norvegia</i>	Norwegian	Lars Christensen	Establishment of a shelter & oceanographic & meteorologic research	Bouvet Island	7
57. 1928-29	Nils Larsen	<i>Norvegia</i>	Norwegian	Lars Christensen	Establishment of a shelter & oceanographic & meteorologic research	Bouvet & Peter I Islands	8

¹ See also nos. 52, 55, 65, 68, 72, 74, 78, 81, 86.² See also nos. 54, 56, 57, 60, 64, 66, 67, 69, 70, 71, 73, 75, 82, 84, 85.

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TABLE I.— LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
58. 1928-29	Sir Hubert Wilkins	<i>Hektor</i>	British-U. S.	R. Hearst, Am. Geographical Society & others	Exploration. Trial of aircraft for Antarctic research	West Coast of Weddell Sea	17
59. 1928-30	Richard E. Byrd	<i>City of New York, Eleanor Bolling</i>	U. S.	Private	Exploration	Ross Sea, Marie Byrd Land, South Pole, Queen Maud Range, Edward VII Peninsula	5, 13, 18
60. 1928-29	....	<i>Thorshammer</i>	Norwegian	Lars Christensen	Whaling	Bouvet Island	8
61. 1929-30	Sir Hubert Wilkins	<i>William Scoresby</i>	British	Government and private individuals	Exploration	Air Survey of northern Palmer Peninsula, Charcot Island	3, 18
62. 1929-30	Sir Douglas Mawson	BANZAR Expedition <i>Discovery</i>	British Australian, New Zealand	Governments & private individuals, esp. McPherson Robertson	Exploration	Coast from Adélie Coast to MacRobertson Coast	6
63. 1930-31	Sir Douglas Mawson	<i>Discovery</i>	British, Australian, New Zealand	Governments & private individuals, esp. McPherson Robertson	Exploration	Coast from Adélie Coast to MacRobertson Coast	6
64. 1929-30	Hjalmar Riiser-Larsen	<i>Norvegia</i>	Norwegian	Lars Christensen	Exploration; biological research	Bouvet Island, Enderby Land, Princess Martha Coast, Queen Maud Land	15
65. 1929-31	Stanley Kemp	<i>Discovery II</i> 1st Commission	British	Discovery Committee	Oceanographic research, survey	South Georgia, South Sandwich Islands, west coast of Palmer Peninsula	3

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
66. 1929-30	H. Halvorsen	<i>Sevilla</i>	Norwegian	Lars Christensen	Whaling, exploration	Princess Martha Coast	8
67. 1930-31	H. Halvorsen	<i>Sevilla</i>	Norwegian	Lars Christensen	Whaling, exploration	Princess Ragnhild Coast; Princess Astrid Coast	8
68. 1930-32	....	<i>William Scoresby</i> 2nd Commission	British	Discovery Committee	Oceanographic research; survey	Falkland Islands Dependencies	3
69. 1930-31	Gunnar Isachsen, later Hjalmar Riiser-Larsen	<i>Norvegia</i>	Norwegian	Lars Christensen	Exploration; biological research	Princess Ragnhild Coast	8
70. 1930-31	O. Borchgrevink	<i>Antarctic</i>	Norwegian	Antarctic Whaling Co. of Tonsberg	Whaling, exploration	Enderby Land to Queen Maud Land	
71. 1931	Arnold Brunvoll, Reidar Bjerko, Carl Sjøvold, Rolf Walter	Numerous factory ships and catchers (<i>Sekseren, Bouvet II, Bouvet III, Thorgaut</i>)	Norwegian	Lars Christensen	Whaling, exploration	Along the entire coast south of the Indian Ocean	8
72. 1931-33	D. Dilwyn John	<i>Discovery II</i> 2nd Commission	British	Discovery Committee	Oceanographic research; survey	Falkland Islands Dependencies, circumnavigation of the Antarctic Continent	3
73. 1932-33	Hjalmar Riiser-Larsen	<i>Thorshavn</i> and numerous whaling vessels	Norwegian	Lars Christensen	Whaling, exploration	Coast south of Indian Ocean	8
74. 1933-35	Capt. Nelson, N. A. Mackintosh	<i>Discovery II</i> 3rd commission	British	Discovery Committee	Oceanographic research; survey	From Cape-town eastward to New Zealand in high latitudes	3
75. 1933-34	Lars Christensen	<i>Thorshavn</i>	Norwegian	Lars Christensen	Exploration, inspection of whaling fleet	Circumnavigation of Antarctic Continent. Lars Christensen Coast, Leopold and Astrid Coast	8

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
76. 1933-34	Lincoln Ellsworth	<i>Wyatt Earp</i>	U. S.	Private	Attempted trans-Antarctic flight	Bay of Whales	..
77. 1933-35	Richard E. Byrd	<i>Jacob Ruppert & Bear of Oakland</i>	U. S.	Private	Exploration	Little America Marie Byrd Land, Edward VII Peninsula	5, 13
78. 1934-37	G. W. Rayner	<i>William Scoresby</i> 3rd commission	British	Discovery Committee	Oceanographic research; survey; whale marking	From Bouvet Island to Enderby Land and MacRobertson Coast	6
79. 1934-35	Lincoln Ellsworth	<i>Wyatt Earp</i>	U. S.	Private	Attempted trans-Antarctic flight	Snow Hill Island	..
80. 1934-37	John R. Rymill	British Graham Land Expedition, <i>Penola</i>	British	British Government, Royal Geographical Society & London Times	Exploration	Southern part of Palmer Peninsula, George VI Sound, Alexander I Island	3, 17
81. 1935-37	H. F. P. Herdman G. E. R. Deacon	<i>Discovery II</i> 4th commission	British	Discovery Committee	Oceanographic research, exploration	Falkland Islands Dependencies. Indian and Atlantic sectors	6
82. 1935	Klarius Mikkelsen	<i>Thorshavn</i>	Norwegian	Lars Christensen	Exploration, whaling	Ingrid Christensen Coast	8
83. 1935-36	Lincoln Ellsworth	<i>Wyatt Earp</i>	U. S.	Private	Trans-Antarctic flight	Crossing from Weddell Sea to Little America, Ellsworth Highland	14
84. 1936-37	Lars Christensen	<i>Thorshavn and Firern</i>	Norwegian	Lars Christensen	Air mapping	Norwegian Antarctic Territory	8
85. 1937	Bråvold	<i>Thorshammer</i>	Norwegian	Lars Christensen	Whaling	Lars Christensen Coast	8
86. 1937-39	H. F. P. Herdman	<i>Discovery II</i> 5th commission	British	Discovery Committee	Oceanographic research, survey of islands	Circumnavigation of Antarctic Continent. Balleny Islands	3

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
87. 1938-39	Lincoln Ellsworth	<i>Wyatt Earp</i>	U. S.	Private	Exploration	American Highland	14
88. 1938-39	Sir Hubert Wilkins		Australian			Rauer Islands	..
89. 1938-39	Alfred Ritscher	<i>Schwabenland</i>	German	Government	Assertion of claims, exploration, biological research	New Schwabenland	15
90. 1939-41	Richard E. Byrd	The United States Antarctic Service Expedition, <i>North Star, Bear</i>	U. S.	Government	Exploration, esp. also of natural resources	Southern Palmer Peninsula, Western Weddell Sea Coast, Coasts of Ellsworth Highland and Marie Byrd Land, Ross Sea Area	23
91. 1942 and 1943	....	<i>Primero de Mayo</i>	Argentine	Government	Assertion of claims, installations of unnamed light-house, survey	South Orkney Islands, South Shetland Islands, west coast of Palmer Peninsula	9
92. 1943 continuing	K. S. Pierce-Butler and others	Falkland Islands Dependencies Survey, <i>Trepassey, Fitzroy</i> , and one other ship	British	Government (Colonial Office)	Establishment of 7 semi-permanent bases, Survey	Falkland Islands Dependencies	3
93. 1946-47	Richard E. Byrd Richard H. Cruzen	U. S. Naval Antarctic Developments Project; Flagship: <i>Mt. Olympus</i>	U. S.	Government	Testing of arctic equipment, Exploration	All around the Antarctic Continent, Ross Sea area, Polar Plateau	5, 13, 24
94. 1946-47	Luis M. Garcia	<i>Patagonia, Don Samuel Chaco M. Excurro</i>	Argentine	Government	Assertion of claims. Reestablishment of light-house, Survey	Orkney Islands, South Shetland Islands, Palmer Peninsula	11

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TABLE I — LIST OF EXPEDITIONS (Continued)

DATE	LEADER OF EXPEDITION	NAME OF SHIP OR EXPEDITION	NATIONALITY	SPONSOR	PURPOSE	AREA OF ACTIVITY	REFERENCE PAGE
95. 1947	Federico Guezalaga Toro	<i>Angamos, Iquique</i>	Chilean	Government	Assertion of claims. Establishment of meteorological station. Survey	South Shetland Islands	12
96. 1947	Finn Ronne	<i>Spirit of Beaumont</i>	U. S.	Private	Exploration	Marguerite Bay Area	13

TABLE 2

ACTIVITIES IN THE ANTARCTIC,
BY COUNTRIES

	PAGE OF TEXT	NUMBER IN TABLE I
Argentina	9-11	34, 38, 91, 94
Belgium	19-20	29
Chile	11-12	48, 95
France	6-7, 20	2-3, 19, 39, 41
Germany	15-16, 20	24, 30, 32, 45, 89
Great Britain	1-6, 16, 19	4, 6-7, 9, 11, 14-18, 20, 22, 25-26, 31, 35-37, 40, 43, 46-47, 49-52, 55, 58, 61-63, 65, 68, 72, 74, 78, 80-81, 86, 88, 92
Japan	16	44
Netherlands	19	1
Norway	7-9, 15, 19	27-28, 42, 53-54, 56-57, 60, 64, 66-67, 69-71, 73, 75, 82, 84-85
Russia	19	8
Sweden	20	33
United States	13-15, 18-19, 21-25	5, 10, 12-13, 21, 23, 58-59, 76-77, 79, 83, 87, 90, 93, 96

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APPENDIX NO. 1.

The Division of Research for American Republics of the Department of State submitted certain specific suggestions, involving, in some cases, changes in emphasis or viewpoint. These are listed as follows:

"p. 9 — 'The Argentine claim is based on the geological and geographical continuation of the Andes through the island chains into the Antarctic'."

The list of the bases of the Argentine claim should include a claim based on proximity under the principle of territorial contiguity, as noted in OIR No. 4436 and other sources; the claim from proximity appears to be more important in Argentine statements than the claim from continuity.

"p. 10 — 'Though the Argentine Government undoubtedly regarded the Republic as entitled to a share in the Antarctic before that date, only vague indications and unofficial utterances seem to have been made before 1943.'"

The Argentine Government made what seems to be a reasonably specific claim to Antarctic territory in 1923 in protesting to the Universal Postal Union the issue of a British stamp for the Falkland Islands and Dependencies. At that time it stated that Argentina exercised "territorial jurisdiction . . . *de jure* and *de facto* over its continental surface, its territorial sea, and over the islands situated on its seacoast, over part of the Island of Tierra del Fuego, over the Islands of Los Estados, Año Nuevo, the South Georgias, the South Orkneys, and polar areas which have not been delimited." (Quoted in *La Prensa*, May 28, 1946.) This claim was repeated later in the 1920's and reservations referring to Argentine claims in Antarctica were made at the Panama and Habana Meetings of Foreign Ministers in 1939 and 1940, respectively. The first claim to a definite sector appears to have been made in documents and markers left at Deception Island in early 1942 by the *Primero de Mayo*. The sentence referred to might be rephrased to read as follows: "Though the Argentine Government undoubtedly regarded the Republic as entitled to a share in the Antarctic before that date, no claim to a definite sector was made in diplomatic correspondence before 1943."

"p. 10 — 'It was after 1943 that Argentina tried to prove that its claim antedated others.'"

This should read: "It was after 1939, when Antarctic claims first became a popular issue in

Argentina, that the Government tried to prove that its claims antedated others."

"p. 10 — 'A National Antarctic Commission was created, etc.'"

The following substitute is suggested:

"A National Antarctic Commission was created by decree of April 30, 1940, and under the sponsorship of the Commission the first Argentine moves to stake claims in Antarctica were made in 1942 and 1943. Negotiations were undertaken to resolve conflicting Argentine-Chilean claims, but were suspended without agreement having been reached in 1941. Following a lull in activity under the *de facto* government, 1943-46, the Perón Government initiated a new forward movement in Antarctica in the 1947 and 1948 seasons. A tentative agreement was reached in July 1947 with the Chilean Government on demarcation of the sectors claimed by the two countries. Chilean officers were invited to accompany the Argentine expeditions, and the Chilean expedition of 1947 returned the courtesy. The 1947 and 1948 Argentine expeditions installed bases at Deception Island in the South Shetlands and at Gamma Island in Melchior Archipelago, supplementing the old-established base at Laurie Island in the South Orkneys. Meteorological and radio stations have been set up at these bases and Argentine expeditions have engaged in mapping and surveying activities in various parts of the Palmer Peninsula area."

"p. 11 — 'Unlike Argentina, Chile advanced claims, etc.'"

This might be rephrased to read: "Chile advanced claims to a sector of the Antarctic early in the nineteenth century, but its activity in this region has remained negligible."

"p. 11 — 'Chile maintains the official position, etc.'"

This might be rephrased to read: "The Chilean Government in November 1940 asserted a claim to a sector of the Antarctic between 53° W. to 90° W. of Greenwich. This definition of its claim, the Government stated, was not to be viewed as a 'claim to sovereignty' since Chilean sovereignty had previously been established in the area and existed without the necessity for further action by the Chilean Government."

"p. 23 — 'The idea of regarding Palmer Peninsula as a common area for all American Republics has been opposed by Argentina and Chile. Argentine spokesmen, especially, objected to the "extension of the Monroe Doctrine".'"

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When the US Government exchanged notes with the Argentine Government in 1939-40 relative to the Byrd Expedition of 1940, there appears to have been no official Argentine reaction adverse to the suggestion that the US expedition would protect the interests of members of the inter-American system against nonhemisphere claims. The sentence might be rephrased to read: "The idea of regarding Palmer Peninsula as a common area for all American Republics would probably be unwelcome to Argentina and Chile."

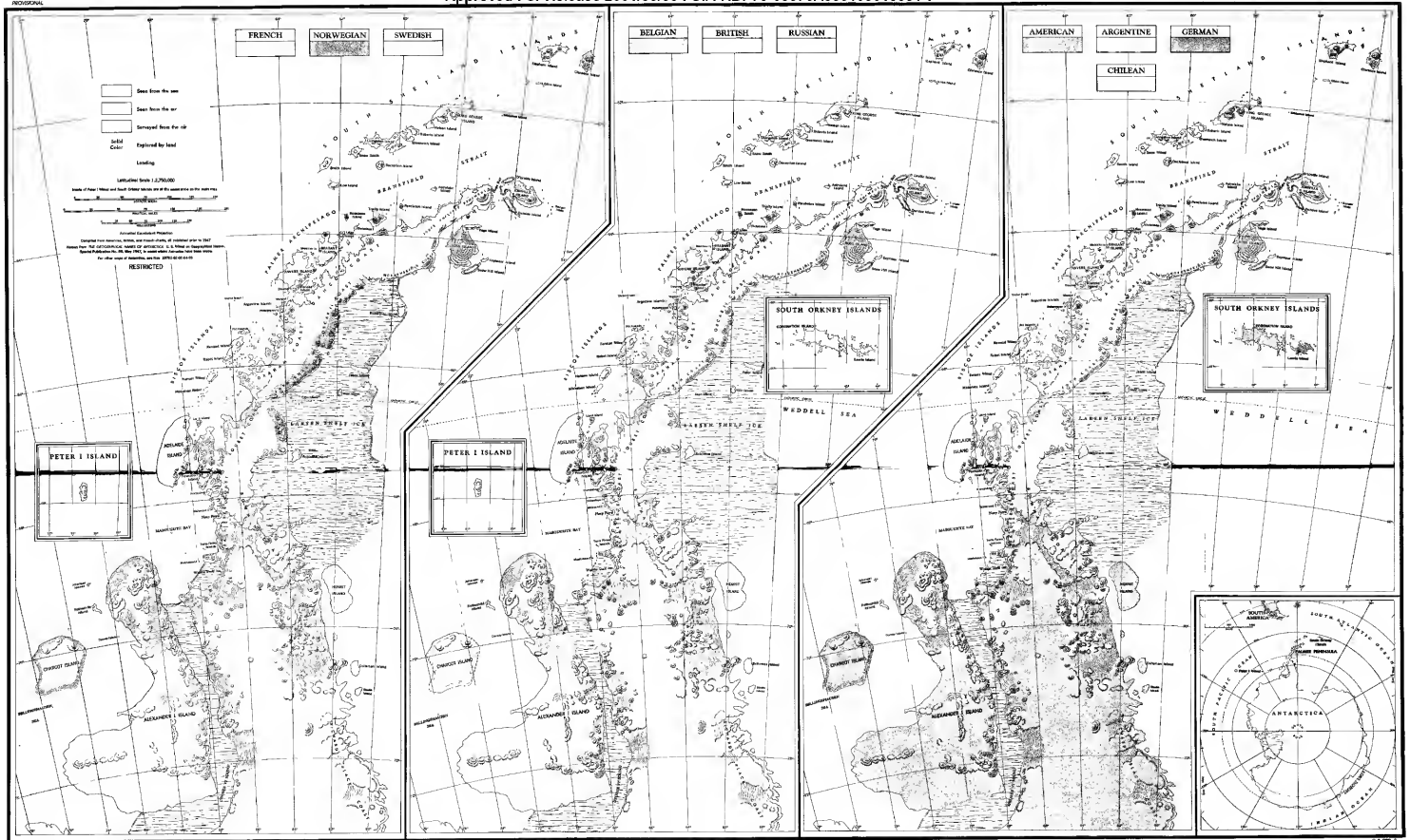
"p. 24 — 'both Argentina and Chile were dissat-

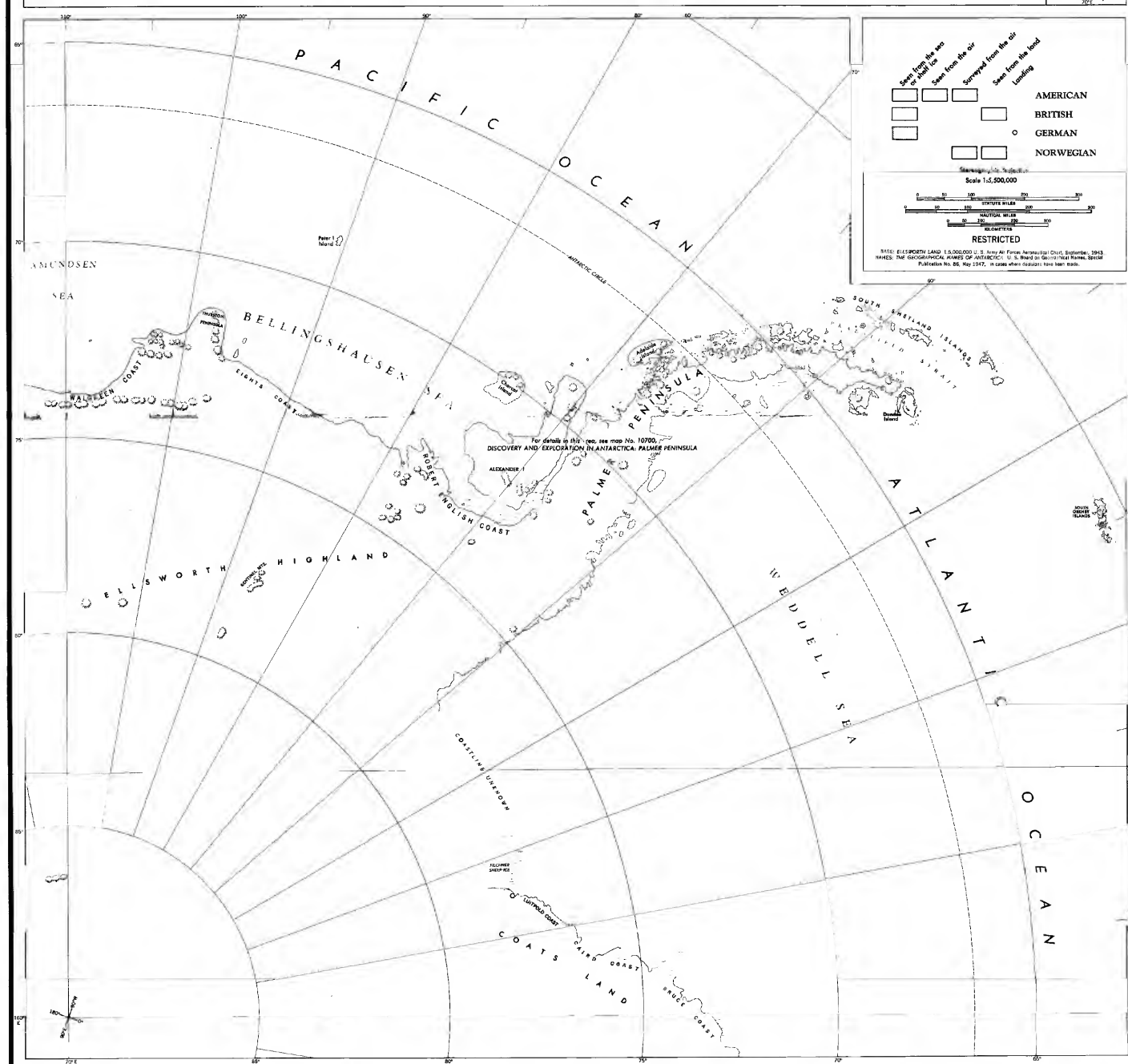
isfied with the prospect of an American trusteeship, as has been demonstrated by their activities since 1940.' "

This assumes an "American trusteeship" has been widely discussed as a practical solution, which does not appear to have been the case. Therefore, it is suggested that the sentence be rephrased to read: "Both Argentina and Chile have shown by their activities since 1940 that they will be strong partisans of the division of the area into national zones and will not welcome an inter-American trusteeship."

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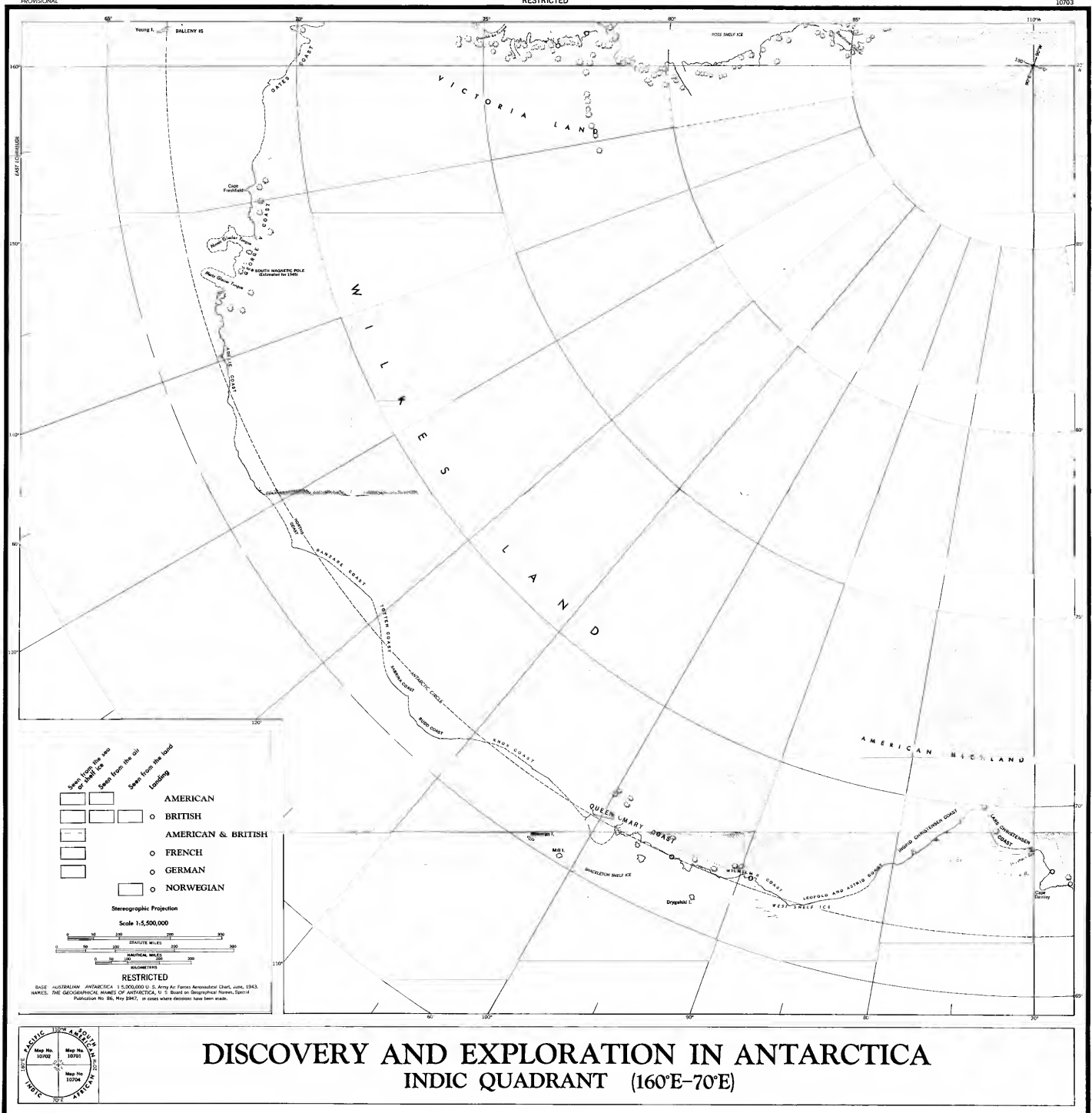


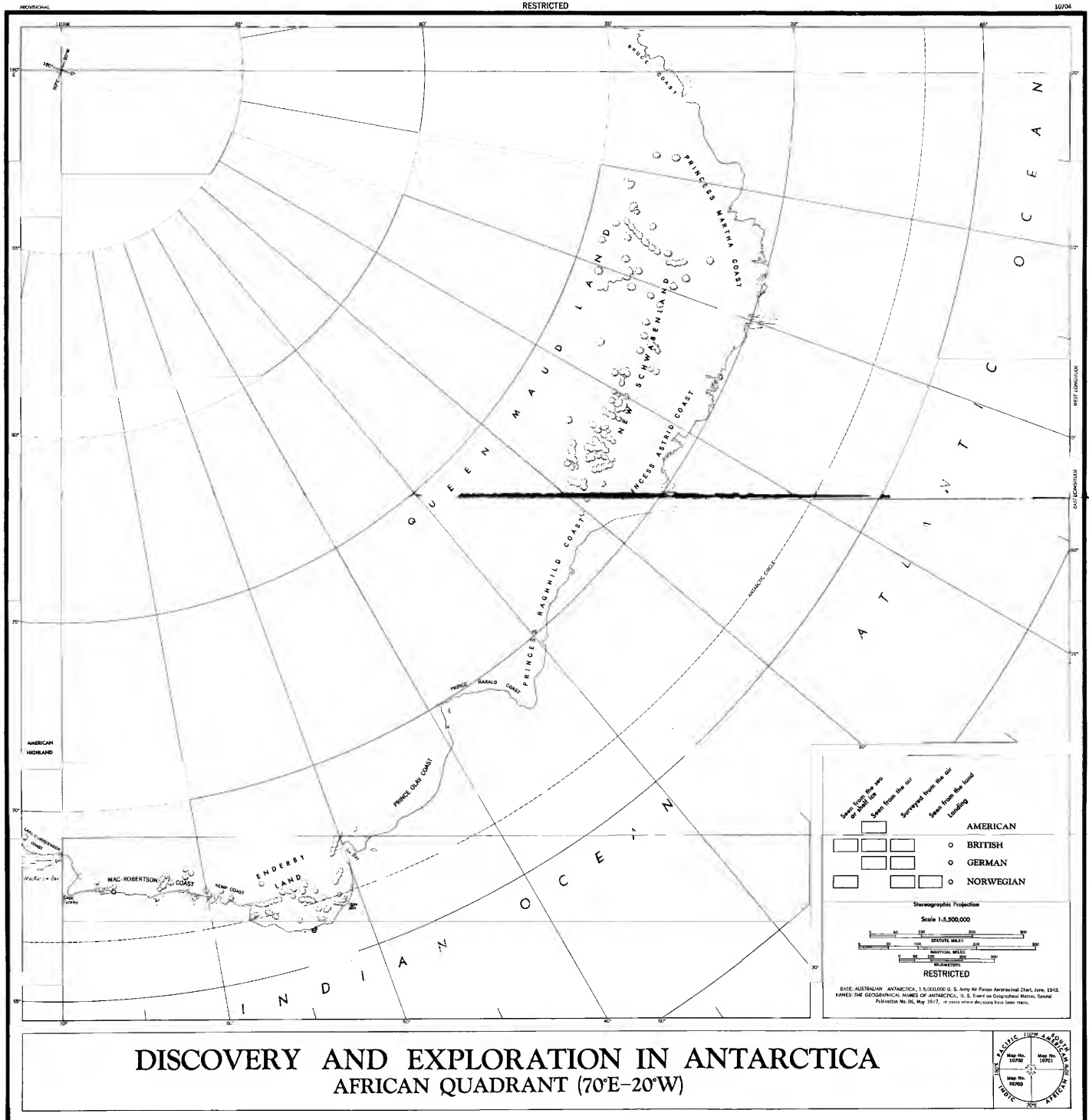


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